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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent

Summary

The legacy of racial stereotypes and negative characterizations of people of African descent, which were created to justify the enslavement of Africans, continue today. Racial stereotypes have evolved, transforming society, and continue to harm people of African descent and violate their human rights. With globalization, the need for the development of a robust human rights framework, including mechanisms specifically to deal with racism, has arisen. Legally cognizable claims of racial injustice have frequently elicited explicit condemnation. However, insufficient attention has been given to addressing racial bias and stereotyping, which are root causes of discrimination, are evident in many fields, including the criminal justice system, health, education, employment and housing, and are measurable in terms of entrenched racial disparities.

In the present report, the Working Group of Experts on People of African Descent looks at the role of negative racial stereotypes and the stereotyping of people of African descent in perpetuating racially biased decision-making, racial disparities and racial injustice. The Working Group reviews the historical use and ongoing prevalence of racial stereotypes and racial stereotyping in everyday life, including in advertisements, the media, social media, the criminal justice system and elsewhere. In many areas throughout society, we continue to witness the denigration of people of African descent, as well as the impulse to control black bodies that is licensed by the imagery we see and tolerate. The report concludes with recommendations to address racial bias and stereotyping of people of African descent.

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I. Activities of the Working Group

1. The present report is submitted pursuant to General Assembly resolution [73/262](#), entitled “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, in which the Assembly invited the Human Rights Council, through the Chair of the Working Group of Experts on People of African Descent, to continue to submit a report on the work of the Working Group to the General Assembly, and in this regard invited the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at its seventy-fourth session.

A. Country visits

2. The Working Group expresses its gratitude to the Government of Belgium for the cooperation extended to it during its official country visit from 4 to 11 February 2019. The Working Group also expresses its gratitude to the Government of Argentina for the cooperation extended to it during its official country visit from 11 to 18 March 2019.

3. The Working Group would like to thank all the Governments that have invited them to visit their countries. They would like to encourage Governments to continue to cooperate with the mandate and further the protection of the rights of people of African descent.

B. Other activities

4. The activities of the Working Group from August 2018 to March 2019 are reflected in its report to the Human Rights Council at its forty-second session ([A/HRC/42/59](#)). The activities of the Working Group between April and July 2019 are summarized below. On 1 April, the Working Group, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on extrajudicial, summary or arbitrary executions jointly submitted additional comments and recommendations on the draft articles on crimes against humanity that were under deliberation by the International Law Commission. On 8 and 9 May, the Chair of the Working Group, Ahmed Reid, participated in the sixth session of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action. On 10 May, Mr. Reid also participated in the one-day consultation on the permanent forum on people of African descent. On 29 May, Mr. Reid and the Vice-Chair of the Working Group, Dominique Day, participated in an expert workshop on reparations, racial justice and equality organized by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, at the New York University Gallatin School of Individualized Study.

5. Mr. Reid participated in the annual meeting of special procedures mandate holders from 17 to 28 June. Ms. Day participated in a senior-level expert consultation on international guidelines on human rights and drug policy from 20 to 23 June. The Working Group submitted its comments on draft general recommendation No. 36 of the Committee on the Elimination of Racial Discrimination on preventing and combating racial profiling on 28 June. In July, Ms. Day spoke at the high-level political forum on sustainable development and participated in a side event sponsored by the International Planned Parenthood Federation and the United Nations Population Fund.

II. Addressing negative racial stereotypes and stereotyping of people of African descent

A. Introduction

6. The present report focuses on eliminating the root causes of discrimination by addressing harmful racial stereotypes and stereotyping of people of African descent. It includes input received during the meeting of the Working Group on addressing racial stereotypes of people of African descent, held in Geneva on 25 and 26 November 2017, as well as information gathered by the Working Group about the phenomenon.

7. The widely respected African American intellectual, W.E.B. Dubois, observed that the colour line was the main problem of the twentieth century. This still rings true today. As the international human rights community celebrates the seventieth anniversary of the Universal Declaration of Human Rights, we are confronted with the uncomfortable reality that racism, racial discrimination, Afrophobia, xenophobia and related intolerance pervades every corner of our global landscape. This curse continues to haunt the global community, as the articulation of prejudice, the fomenting of racial hatred and intolerance, and the seeming justification and acceptance of racial discrimination continue unabated.

8. The principles of equality and non-discrimination, the scaffold for all international human rights, are facing their most serious threat yet. The international human rights system and the ability to guarantee basic rights to people of African descent is at grave risk. We have yet to dismantle the ideological infrastructure of hate. Long-standing prejudices, the rise of far-right nationalism, ethnopopulism and nativism have led to an increase in the number of incidents of racial discrimination, racial prejudice, Afrophobia and xenophobia, resulting in a strong anti-immigration backlash and the scapegoating of migrants, as well as violence against people of African descent, often in plain view and with institutional and political endorsement.

9. Skin colour continues to affect an individual's opportunity to obtain quality education, jobs and health care and adequate housing. People of African descent continue to experience worse economic, social and health outcomes, as well as incarceration, at vastly disproportionate rates globally. Racism, it seems, pervades all aspects of the lives of people of African descent, from the segregation of schools and sports arenas to gentrification and displacement and exclusion from public service work.

B. Historical context

10. Racism, racial prejudice and racial discrimination are deeply embedded in our historical past. Manifestations of racism are indelibly linked to periods of conquest, the trafficking and enslavement of millions of Africans, the imposition of racial exclusionary laws, colonialism and imperialism. For over 400 years, laws classified Africans and their descendants as non-human, chattel, property and real estate, and social rhetoric and narrative evolved to rationalize, justify and stabilize these injustices. Millions lost the basic human right to their legal identity and therefore remained invisible in laws, legislation and policies. They were denied recognition and were subjected to the ideology of racism, which demonized and denigrated all things black and all things African.

11. The concept of race, denoting a fundamental division of humanity and usually encompassing cultural, geographical and physical traits, was crucial during the early

period of colonization. In the 1700s and early 1800s, scientists in Europe and the Americas studied “race science” – the idea that humankind is divided into separate and unequal races. Throughout the history of humanity, people have been assigned identity based on race, as a means of control and domination.

12. According to the Equal Justice Initiative:

To justify the brutal, dehumanizing institution of slavery in America, its advocates created a narrative of racial difference. Stereotypes and false characterizations of black people were disseminated to defend their permanent enslavement as ‘most necessary to the well-being of the negro’ – an act of kindness that reinforced white supremacy. The formal abolition of slavery did nothing to overcome the harmful ideas created to defend it, and so slavery did not end, it evolved.¹

These long-standing ideas and prejudices merged with colonial Europe’s desire to exploit the land and labour of indigenous peoples and Africans. At this critical juncture, racial distinctions were reinforced with legal force, as well as philosophical and scientific legitimacy, which demonized colonial subjects. These spurious ideas flourished throughout the early period, spawning false theories that were used to justify the belief in racial hierarchy. Subsequent depictions of Africans and people of African descent propagated stereotypes that advanced the colonial agenda and that of white supremacists.

13. Such depictions, or assigned attributes, which centred on the physical, intellectual and moral characteristics of people of African descent, are reflected in current incarnations of animalistic stereotypes. The sambo (a docile, child-like adult who is contented with his or her status), the coon (a lazy and inarticulate adult) and the pickaninny (a child coon, with bulging eyes, unkempt hair, red lips and wide mouth) are examples of the pervasive nature of these stereotypes.

14. Many of the stereotypes were used to reinforce the commodifying of black bodies and, in particular, aspects of enslavement. For example, an enslaved person forced under extreme violence to work more than 16 hours per day during the plantation period could hardly be described as lazy. Yet, historically, laziness, as well as characteristics of docility (despite resistance), backwardness, lasciviousness, treachery and dishonesty, were projected as characteristic of people of African descent. These images are powerful influences, particularly on how people of African descent are perceived.

15. Racial caricatures are enduring.² They influence popular belief and judgement and are evident in many discriminatory public policies. This was evident after the outlawing of enslavement. Freed people had high hopes and expectations of freedom. They imagined a society that would grant their children opportunities they were denied. Those who demanded their rightful place in society were labelled a menace, depicted as brutes, cast as dangerous criminals and subjected to exclusionary laws that denied them their rightful place in society. Such representations are immortalized in popular culture and in films such as *The Birth of a Nation*, which justified violence toward black bodies and the perceived need to incarcerate people of African descent. The stereotype of presumed criminality haunts black men, women and children across the globe today.

¹ Equal Justice Initiative, “The Legacy Museum: from enslavement to mass incarceration”. Available at <https://eji.org/legacy-museum>.

² See Susan T. Fiske, and Steven L. Neuberg, “A continuum of impression formation, from category-based to individuating processes: influences of information and motivation on attention and interpretation”, *Advances in Experimental Social Psychology*, vol. 23 (1990).

C. Obligation of States to address racial stereotyping – the human rights framework

16. The principle of equality among human beings, including the right to freedom from discrimination, is at the core of the human rights framework. Article 1 of the Universal Declaration of Human Rights provides that all human beings are born free and equal in dignity and rights. Article 2 provides for equal enjoyment of rights and freedoms without distinction of any kind, such as race, colour or sex. The International Covenant on Civil and Political Rights, adopted by the General Assembly in 1966, also guarantees equality and non-discrimination in the enjoyment of rights. Article 20, paragraph 2, provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.³

17. The International Convention for the Elimination of All Forms of Racial Discrimination⁴ acknowledges the existence of structural racism (see art. 1, para. 1) and imposes certain obligations on States parties (see art. 2, para. 1 (d)). In article 4 of the Convention, the States parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form and stipulate that States parties shall make punishable the dissemination of ideas based on racial superiority and ban organizations which promote such ideas. In its general recommendation No. 34 (CERD/C/GC/34), the Committee on the Elimination of Racial Discrimination states that people of African descent shall enjoy all human rights and fundamental freedoms in accordance with international standards, in conditions of equality and without any discrimination and calls on States to address negative stereotypes.

18. The Durban Declaration and Programme of Action⁵ reassert the principles of equality and non-discrimination as core human rights and assign primary responsibility for combating racism, racial discrimination, xenophobia and related intolerance to States, while also calling for the active involvement of international and non-governmental organizations, political parties, national human rights institutions, the private sector, the media and civil society. With regard to stereotypes, in paragraph 127 of the Programme of Action, States are called upon to give importance to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes.

19. The Convention on the Elimination of All Forms of Discrimination against Women⁶ also imposes obligations related to stereotypes and stereotyping (see art. 5). The Committee on the Elimination of Discrimination against Women has explained that States parties are required to modify or transform harmful gender stereotypes and eliminate wrongful gender stereotyping.⁷

³ See General Assembly resolution 2200 (XXI), annex. See also general comment No. 11 of the Human Rights Committee on prohibition of propaganda for war and inciting national, racial or religious hatred (available at <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>).

⁴ United Nations, *Treaty Series*, vol. 660, No. 9464.

⁵ See A/CONF/189/12 and A/CONF.189/12/Corr.1, chap. I.

⁶ United Nations, *Treaty Series*, vol. 1249, No. 20378.

⁷ See United Nations, Office of the United Nations High Commissioner for Human Rights, “Gender stereotypes and stereotyping and women’s rights”, September 2014.

20. In its resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, the Human Rights Council expresses deep concern at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments.⁸

D. Perceptions and misrepresentations

21. Everyday life for people of African descent is complicated by historical patterns of exploitation and exclusion that continue today in popular culture and social expectations. The Working Group is concerned about historical stereotyping, portrayals in the media and advertising, and offensive practices such as blackface and Black Pete (Zwarte Piet). With the rise of social media, citizen journalists and civil society have begun documenting and highlighting behaviour and “microaggressions” that violate the human rights of people of African descent and create barriers in their public engagement and daily lives.

22. The popular hashtag, #LivingWhileBlack, has become a catch-all phrase used in the United States of America to describe everyday injustices and “taxes” that inure to people because of stereotypes, perceptions and expectations relating to their skin colour. Civil society has documented instances of the police being called on black children and families for selling water outside a baseball game, mowing their lawns, hosting family barbecues in the park and knocking on doors.

23. These incidents have received widespread attention and haven been met with outrage and, sometimes, remedial action. In Philadelphia, two black men were arrested at Starbucks, a popular coffee chain, on 12 April 2018. The men were waiting for a business meeting but were accused of refusing to “make a purchase or leave”. Both men spent hours in a jail cell with no outside contact and no sense of what would happen next. They were released after midnight, when the district attorney declined to prosecute them for trespassing.⁹ The incident went viral on social media, and many people noted the frequency with which Starbucks was used as a meeting place, as well as the fact that when their public bathroom was accessed by white customers it went unchallenged. Starbucks quickly issued an apology and closed all neighbourhood-based stores nationwide for a day of implicit bias training within two months of the incident.

24. In a widely circulated report entitled “Under suspicion: research and consultation report on racial profiling in Ontario”,¹⁰ the Ontario Human Rights Commission pointed to the pervasive nature of racial profiling in Canada. Some 1,500 people living in Ontario province reported experiences of being racially profiled by the police, at their workplaces, schools, hospitals, shopping malls and the airport. The report included anonymous personal stories of racial profiling. In one example, a woman of African descent stated that when she went shopping, she was regularly followed by store personnel or asked “can I help you” – not because she was being

⁸ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. II, sect. A.

⁹ See “Black men arrested at Philadelphia Starbucks feared for their lives”, *The Guardian*, 19 April 2018. Available at <https://www.theguardian.com/business/2018/apr/19/starbucks-black-men-feared-for-lives-philadelphia>.

¹⁰ Available at <http://ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario#overlay-context=en/user>.

offered customer service, but because they were questioning why she was there. She also stated that:

At the same time, I have numerous experiences where I am ignored or have to assert my position in line, as they skip over to the white person. I am sure that most black people can relate to the shopping experience where the teller drops your change into your hand from a height, while somewhat recoiling, and you see them place the change into the hand of the white customers.

25. These incidents reflect a series of stereotypes, expectations and entitlements that individual community members hold with respect to people of African descent. Each of the examples involves a person unknown to the complainant behaving as one normally would in particular public spaces. Yet, both the individual and the organizational representatives felt entitled to call the police or to police black bodies. This reflects the enduring power of stereotypes grounded in the historical exploitation of people of African descent, including the trafficking in enslaved Africans, colonization and the long-standing exploitation of black labour and livelihood. Social institutions, which developed in tandem with the modern nation-State and the modern human rights framework, are taught stereotyping generation after generation via the social conditioning of education, the media and community structures. Those stereotypes are reflected, codified and perpetuated in the social institutions, which, in turn, leads to the perpetuation of individual belief and expectation, in an endless cycle.

26. Negative racial stereotypes can have a profound personal impact on people of African descent. Racial profiling has a harmful effect on one's dignity. Victims sometimes lose their liberty, their connection with their families and communities and, in the most tragic cases, their lives. Racial profiling is associated with negative effects, including effects on individuals' mental and physical health. The physiological and psychological impact of racism and discrimination is worth highlighting because those who endure discrimination every day often suffer higher rates of chronic disease.¹¹ Racial profiling contributes to barriers that prevent people of African descent from being able to achieve equal opportunity. Most importantly, it severely diminishes trust in public institutions and undermines the effectiveness and authority of many of those institutions.

Racial stereotyping as political theatre: incitement to hatred and hate crimes

27. Political discourse and the exercise of State power may both habituate and reinforce long-standing racial prejudice. In politics, the deployment of racial stereotypes for political gain is becoming increasingly common and is particularly toxic. The rise of far-right political parties, the global financial crisis and long-standing fears about globalization and the dilution of national identity, coupled with the current movement of migrants and refugees, has resulted in strong anti-immigration backlash, the scapegoating of migrants, the stoking of racial prejudices and stereotypes, and violence against people of African descent. Political leaders have used these phenomena to seek power through appeals to racism, xenophobia, Afrophobia and nativism, which has had a devastating impact on people of African descent.

28. As the former United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, recently cautioned: "We are growing accustomed to the stoking of

¹¹ See American Psychological Association, "Physiological and psychological impact of racism and discrimination for African-Americans". Available at <https://www.apa.org/pi/oema/resources/ethnicity-health/racism-stress>.

hatred for political profit”.¹² It has been shown that it was the fear of losing status and economic anxiety for white voters that underpinned the rise of far-right populism globally. Furthermore, the loss of status among groups experiencing economic decline can exacerbate cultural dissonance and racial resentment.¹³ Far-right parties (whose base is overwhelmingly white) have tended to exploit those anxieties around immigration, race and white identity.¹⁴ Recent election results in Europe have shown that nationalists and far-right political parties are at their strongest since the 1930s.¹⁵ What is common across this broad political spectrum is the virulent anti-black and anti-immigration rhetoric that continues to feed and normalize the negative stereotypes of people of African descent.

29. Political leaders have an important role to play in combating negative racial stereotypes, but some global leaders instead choose to wield racial stereotypes as a political tool. In this connection, it should be recalled that in paragraph 85 of the Durban Declaration, political platforms, organizations, legislation and practices based on racism, xenophobia or doctrines of racial superiority and related discrimination were condemned as incompatible with democracy and accountable governance. To illustrate the phenomenon, it is necessary to show examples of the open or thinly cloaked racism that perpetuates negative stereotypes of people of African descent. The widespread political use of racial stereotypes consistently references disease, toxicity and the threat of contagion, often dehumanizing people and their homelands.

30. In September 2018, at a migration conference in Vienna, the Deputy Prime Minister and Minister of the Interior of Italy, Matteo Salvini, referenced his motivation for public service as follows: “I believe that I’m in government in order to see that our young people have the number of children that they used to a few years ago ... rather than bring in modern-day slaves to replace the children we’re not having”.¹⁶ And in a June 2018 tweet, Mr. Salvini, echoed this sentiment, saying “I did well to block the NGO ships. I stopped not only the smuggling of illegal immigrants but, from that which emerges, also toxic waste”. Similarly, prosecutors in Catania, Italy, made specious unfounded claims after ordering the seizure of the migrant ship, Aquarius, that there were cases of scabies, HIV, tuberculosis and meningitis among

¹² See United Nations, Office of the United Nations High Commissioner for Human Rights, “Confronting the two faces of racism: resurgent hate and structural discrimination”, 21 March 2018. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22856&LangID=E>.

¹³ See Melissa S. Kearney, Brad Hershbein and Elisa Jácome, “Profiles of change: employment, earnings and occupations from 1990-2013”, the Hamilton Project, 20 April 2015. Available at https://www.hamiltonproject.org/papers/profiles_of_change_employment_earnings_occupations_1990-2013.

¹⁴ See John Halpin and Ruy Teixeira, “European right-wing nationalism comes to America”, Center for American Progress Action Fund, 6 July 2016. Available at <https://www.americanprogressaction.org/issues/democracy/news/2016/07/06/140877/european-right-wing-nationalism-comes-to-america/>.

¹⁵ Austria: Freedom Party, 26 per cent; Bulgaria: United Patriots, 9 per cent; Cyprus: ELAM, 3.7 per cent; Czechia: Freedom and Direct Democracy, 11 per cent; Denmark: Danish People’s Party, 21 per cent; Finland: The Finns, 18 per cent; France: National Front, 13 per cent; Germany: Alternative for Germany, 12.6 per cent; Greece: Golden Dawn, 7 per cent; Hungary: Jobbik, 19 per cent; Italy: The League, 17.4 per cent; Netherlands: Freedom Party, 13 per cent; Slovakia: Our Slovakia, 8 per cent; Sweden: Sweden Democrats, 17.6 per cent; Switzerland: Swiss People’s Party, 29 per cent.

¹⁶ See Nick Squires, “Italy’s Matteo Salvini provokes vulgar outburst from Luxembourg in fresh row over migrants”, *The Telegraph*, Rome, 14 September 2018. Available at <https://www.telegraph.co.uk/news/2018/09/14/italys-matteo-salvini-fresh-row-migrants-provoking-outburst/>.

newly arrived migrants, and that their “contaminated clothing” risked spreading infection.¹⁷

31. In France, Marine Le Pen’s campaign team called for the “eradication of bacterial immigration”, claiming that migration was causing an “alarming presence of contagious diseases”.¹⁸ Viktor Orban of Hungary noted, in February 2018, that “we do not want our color...to be mixed in with others”.¹⁹ Alexander Gauland called for Germans to fight an “invasion of foreigners”.²⁰ In Poland, Jaroslaw Kaczynski referenced migrants and refugees in theorizing “various parasites, protozoa that are common and are not dangerous in the bodies of these people, may be dangerous here”.²¹

32. Politicians from the United States, including the current President, Donald Trump, have used language that has reinforced the negative stereotyping of people of African descent. On 14 July 2019, the President, tweeted “Why don’t they go back and help fix the totally broken and crime-infested places from which they came”.²² On 11 January 2018, it was reported that he had referred to Haiti and African countries as “shithole countries”, while calling for increased immigration from Norway.²³ Six months earlier, he had stated that 15,000 recent immigrants from Haiti “all have AIDS” and that 40,000 Nigerians, once seeing the United States, would never “go back to their huts” in Africa.²⁴ In March 2017, Congressional Representative Steve King tweeted: “...culture and demographics are our destiny. We can’t restore our civilization with somebody else’s babies”.²⁵

33. In the United States, the political theatre of racist stereotyping often plays on racist tropes relating to the trafficking in enslaved Africans, the history of lynchings, violence against and exploitation of people of African descent, the perceived lower intellectual capacity of people of African descent and other stereotypes relating to poverty and communities with high concentrations of people of African descent. The United States Secretary of Agriculture campaigned against a gubernatorial candidate in Florida, Andrew Gillum, who was of African descent by exclaiming: “this election is so cotton-pickin’ important”. In the same race, Mr. Gillum was referred to as “articulate” and “charismatic” in a televised debate, terms often used to connote

¹⁷ See Lorenzo Tondo, “Italy orders seizure of migrant rescue ship over ‘HIV-contaminated’ clothes”, *The Guardian*, 20 November 2018. Available at <https://www.theguardian.com/world/2018/nov/20/italy-orders-seizure-aquarius-migrant-rescue-ship-hiv-clothes>.

¹⁸ See Paul Ames, “The five European leaders most likely to be Donald Trump’s soulmate”, *PRI*, 26 February 2016. Available at <https://www.pri.org/stories/2016-02-26/five-european-leaders-most-likely-be-donald-trump-s-soulmate>.

¹⁹ See United Nations, Office of the United Nations High Commissioner for Human Rights, “Hungary: opinion editorial by the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein. Available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22765&LangID=E>.

²⁰ See BBC News, “German election: how right-wing is nationalist AfD?”, 13 October 2017. Available at www.bbc.com/news/world-europe-37274201.

²¹ See Paul Ames, “The five European leaders most likely to be Donald Trump’s soulmate”, *PRI*, 26 February 2016. Available at <https://www.pri.org/stories/2016-02-26/five-european-leaders-most-likely-be-donald-trump-s-soulmate>.

²² See Katie Rogers and Nicholas Fandos, “Trump tells congresswomen to ‘go back’ to the countries they came from”, *New York Times*, 14 July 2019.

²³ See Julie Hirschfeld Davis, Sheryl Gay Stolberg and Thomas Kaplan, “Trump alarms lawmakers with disparaging words for Haiti and Africa”, *New York Times*, 11 January 2018. Available at <https://www.nytimes.com/2018/01/11/us/politics/trump-shithole-countries.html>.

²⁴ See Michael D. Shear and Julie Hirschfeld David, “Stoking fears, Trump defied bureaucracy to advance immigration agenda”, *New York Times*, 23 December 2017. Available at <https://www.nytimes.com/2017/12/23/us/politics/trump-immigration.html?module=inline>.

²⁵ See Trip Gabriel, “A timeline of Steve King’s racist remarks and divisive actions”, *New York Times*, 15 January 2019.

surprise at the competence and capacity of people of African descent. Mr. Gillum's opponent, Ron DeSantis also referred to old racist tropes linking people of African descent to monkeys and implying lesser evolutionary achievement, saying "the last thing we need to do is monkey this up by trying to embrace a socialist agenda with huge tax increases".²⁶

34. In Brazil, the recently elected president, Jair Bolsonaro, called refugees from Haiti, Africa and the Middle East dangerous and "the scum of humanity".²⁷ He disparaged a black settlement founded by the descendants of slaves, saying: "They do nothing; They are not even good for procreation". Bolsonaro also referred to black activists as "animals" who should "go back to the zoo".²⁸

Racial stereotyping in cultural production: textual and visual misrepresentation

35. The use of blackface, racialized caricatures and racist representations of people of African descent is offensive, dehumanizing and contemptuous. Such images, which have found their way into mainstream culture across the globe, perpetuate negative racial stereotypes. These representations were solidified in the works of nineteenth century writers, who speculated about the evolutionary spectrum of primates, with monkeys and apes at the least evolved end, continuing through savage and/or deformed anthropoids and culminating with white people at the other end (as the most evolved).²⁹ People of African descent were theorized to reside somewhere between the deformed and the simian. This representation was used to bolster growing stereotypes that people of African descent were innately lazy, aggressive, hypersexual and in need of benevolent control. Images such as the sambo, the coon, the pickaninny, the mammy, the sapphire and the Jezebel are just a few of the dehumanizing and iconographic misrepresentations of people of African descent that can be traced to the early period. Such representations were taken as fact and were internalized and continually transmitted and legitimized through popular culture and in the writings of some of the leading academics.

36. Current misrepresentations are also evident in cultural traditions that nod to colonization and the trafficking in enslaved Africans. A more recent example of the enduring nature of stereotypes can be found in Ramin Ganeshram's *A Birthday Cake for George Washington*, a picture book about the former President's chef, Hercules, and his daughter, Delia, both of whom were enslaved by Washington.³⁰ The book's depiction of Hercules is reminiscent of the early caricature of the happy sambo, the docile enslaved person who was contented with his state of enslavement.

37. Enslaved people were never content with their enslavement. At every stage of their enslavement, enslaved Africans fought the racist superstructure that sought to justify the exploitation of black bodies. Such stereotypes, as with all stereotypes, are not intended to portray truth. In her recent book, *Never Caught: the Washingtons' Relentless Pursuit of Their Runaway Slave, Ona Judge*, Eric Dunbar Armstrong

²⁶ See Gina Martinez, "GOP candidate criticized after saying black opponent would 'monkey this up'", *Time*, 29 August 2018. Available at <https://time.com/5381672/ron-desantis-andrew-gillum/>.

²⁷ See Federico Finchelstein, "Jair Bolsonaro's model isn't Berlusconi. It's Goebbels", FP, 5 October 2018. Available at <https://foreignpolicy.com/2018/10/05/bolsonaros-model-its-goebbels-fascism-nazism-brazil-latin-america-populism-argentina-venezuela/>.

²⁸ See Adam Forrest, "Jair Bolsonaro: the worst quotes from Brazil's far-right presidential frontrunner", *Independent*, 8 October 2018. Available at <https://www.independent.co.uk/news/world/americas/jair-bolsonaro-who-is-quotes-brazil-president-election-run-off-latest-a8573901.html>.

²⁹ See Gustav Jahoda, *Images of Savages: Ancient Roots of Modern Prejudice in Western Culture* (Routledge, 1999).

³⁰ Ramin Ganeshram, *A Birthday Cake for George Washington*, Scholastic Press, 2016.

provides a historical account of Ona Judge, a woman who escaped slavery under George Washington and lived out her days as a fugitive, which suggests that contrary to the misrepresentations of popular stereotype, quite a different reality existed for those enslaved by the man regarded as a founding father of the United States.³¹

38. The depiction of Africans and their descendants as servants/enslaved is an enduring caricature which is rooted in the history of enslavement and colonialism. This representation continues and is visible in the Black Pete (Zwarte Piet) tradition, which is a highly offensive visual misrepresentation of Africans and people of African descent.

39. The Saint Nicholas (Sinterklaas) festival is an important cultural tradition in the Netherlands and Belgium. Zwarte Piet is nearly always a white man or woman in blackface with big, rouged lips, a tight curly wig, brightly coloured pantaloons, a big ruff and gold earrings. At its core, this tradition relies on an old-fashioned, offensive caricature of a black man in servitude. Zwarte Piet as an expression of racism and discrimination is related to enslavement and stereotypes Africans and people of African descent in image and behaviour, not unlike the tradition of blackface and minstrelsy of the past. Furthermore, it reinforces the unequal power relations between the characters of Zwarte Piet and Sinterklaas. The Working Group is acutely aware that a large segment of the population may not consciously understand that the tradition of Zwarte Piet annually reifies racist tropes about people of African descent grounded in colonization, exploitation and stereotype and that it is perceived as hurtful by some in Dutch society. In the view of the Working Group, this is a symptom of the denial of the existence of racism and racist practices and an erroneous understanding of history.

40. There can be no justification for the use of blackface. Its use is steeped in centuries of racism. Blackface was used, and continues to be used, to denigrate people of African descent. As the historian David Leonard states, the use of blackface “allows a society to routinely and historically imagine African Americans as not fully human”.³² Its continued use by politicians, professional athletes and celebrities, whether on college campuses across the globe, at Halloween parties or during cultural events, is part of a toxic culture of racism that pervades the global landscape.

41. Dehumanizing depictions of people of African descent are not restricted to regions or societies with a legacy of trafficking in enslaved Africans. Recently, the Hubei Provincial Museum in Wuhan, China, ran an exhibition called “This is Africa”, where images of people of African descent were juxtaposed with images of wild animals. In one particular exhibit, a child with his mouth wide open was paired with a gorilla. Other sets paired a man and a lion, both gnashing their teeth, and a man and a baboon. In its 2018 Annual Spring Festival Gala, China’s national television broadcaster, China Central Television (CCTV), produced a play about the growing ties between China and African countries called “Celebrating together”. The play featured a Chinese actress in blackface with exaggerated features, and beside her a man dressed as a monkey.

42. Black women, too, have long been caricatured by negative stereotypes rooted in a history of racism and enslavement. Monique W. Morris, in her book *Pushout: the Criminalization of Black Girls in Schools*,³³ states that black women and girls must often navigate through a landscape that reinforces multidimensional stereotypes and

³¹ Erica Dunbar Armstrong, *Never Caught: the Washingtons’ Relentless Pursuit of Their Runaway Slave, Ona Judge* (37 Ink, 2017).

³² See Alex Clark, “How the history of blackface is rooted in racism”, History.com, 15 February 2019. Available at <https://www.history.com/news/blackface-history-racism-origins>.

³³ Monique W. Morris *Pushout: the Criminalization of Black Girls in Schools* (New York, The New Press, 2016).

debilitating narratives that negatively impact how black femininity is understood. Implicit racial and gender biases may also inform how we read the behaviours and actions of black girls and women. The public typically understands black femininity according to distinct and narrow stereotypes about black women and girls as hypersexual, sassy, conniving or loud. When we combine latent misperceptions about black femininity with punitive discipline policies, we are paving the way for black girls to be disproportionately pushed out of schools. Black girls are the only girls overrepresented in all discipline categories for which data are collected by the Office for Civil Rights of the United States Department of Education.³⁴

43. In the aftermath of Serena Williams' controversial loss at the United States Open Tennis Championships, Australian cartoonist Mark Knight's dehumanizing and grotesque representation of Williams is reminiscent of an earlier caricature in popular media of the angry black woman. Furthermore, not only does Knight portray Williams with undertones of classic racial stereotypes, including the apelike stance, but he overexaggerates her physical attributes. In Knight's drawing, Williams does not look human. Her choice to wear a tennis outfit that covered her entire body in order to prevent blood clots after pregnancy, following a specific clotting incident in which Williams nearly died after the birth of her first child only months before, was disparaged by tennis officials (who conceded months later after public outcry) and labelled inappropriate compared to quite revealing tennis wear chosen by other players. She was fined for reacting to a call she perceived as unfair in 2018, while white male players famous for hot tempers were not. The stereotype of the angry black woman, combined with the intersectional expectations placed on women and expectations that black bodies must be controlled, impact Williams financially and professionally, as well as personally.

Spread of negative racial stereotypes in advertising

44. Imagery and sounds from television, film, music, the Internet and other media influence how people act and think and what they believe. Black identity is associated with violence, misogyny, materialism and deviancy in popular music. This is reinforced and communicated in other forms of popular culture, such as television and film.³⁵

45. Media advertisements that reinforce negative stereotypes of people of African descent are cross-cutting and transnational. There is a long tradition of the advertising industry using derogatory stereotypes to promote products to large audiences. Advertisements invoke stereotypes about apes and monkeys, slavery and black servitude, blackface, black culture, cleanliness and purity and black criminality and the need to control black bodies. Many have also presented and promoted whiteness as a trope for people of African descent to aspire to. Today, these racist archetypes are subtler than historically deployed stereotypes, but they are powerful and enduring, evidencing the transformation, strength and survival of racist stereotyping. Examples of racist advertising abound, and they are sometimes met with public outrage and demands for corrective and reparatory action.

46. H&M, a popular clothier, released an advertisement of a young Black boy wearing a sweatshirt labelled "Coolest Monkey in the Jungle". In another example, in 2008, eMobile released a commercial in Japan that showed a monkey dressed in a suit at an election rally standing in an audience populated with multiple signs reading

³⁴ See Melinda D. Anderson, "The Black Girl Pushout", *The Atlantic*, 15 March 2016. Available at <https://www.theatlantic.com/education/archive/2016/03/the-criminalization-of-black-girls-in-schools/473718/>.

³⁵ See David Jason Childs, "Let's talk about race: exploring racial stereotypes using popular culture in social studies classrooms", *Social Studies*, vol. 105, No. 6 (2014).

“Change” – a significant component of former United States President Obama’s campaign.

47. Sony ran billboards showing a white woman dressed in white grabbing the face of a black woman dressed in black. The white woman is positioned as powerful and determined, whereas the black woman looks docile and submissive. Intel released an advertisement for a desktop processor in 2007 showing a white male dressed in business attire and surrounded by six muscular black men bowing down to him, an image that signifies servitude. The not-so-subtle reference to slavery is evident as it commodifies black bodies as property to be bought and sold. Along the same lines, the Deutsch advertisement for Taco Bell’s Naked Chicken Chalupa in 2017 was edited after there was backlash for showing a white man throwing garbage at a black woman walking down the street with a baby stroller.

48. Several companies employ blackface imagery in conscious or unconscious references to the Jim Crow period. The name of a minstrel character in blackface, Jim Crow, is used every day to describe 100 years of post-Civil War segregation and racial injustice in the United States. Furthermore, for nearly 200 years, blackface has been used to simplify, caricature and disparage blackness. Blackface perpetuates negative and reductionist stereotypes about black people while promoting whiteness and white supremacy. In December 2018, Prada launched an advertising campaign that included blackface dolls. It later pulled the dolls and the advertisements after public outcry. In February 2019, Gucci released a knit top that resembled blackface, with a black pull-up neck and grotesque red-lip caricature.

49. In 2010, Kentucky Fried Chicken debuted a cricket-themed advertisement that featured a visibly agitated white cricket fan outnumbered by people of African descent smiling and enjoying the game. Describing it as an awkward situation, the white man pulls out a box of chicken to feed the people of African descent around him, before saying “too easy”. A voiceover then calls Kentucky Fried Chicken a crowd pleaser.

50. In China, a Qiaobi laundry detergent advertisement suggested that people of African descent could, literally, be cleaned of their ethnicity. In 2016, they featured an Asian woman and a black man in an advertisement. After being called in for what seems like a kiss, the woman shoves a detergent pod into the man’s mouth and puts him in her washing machine. After being washed and dried, he emerges – to the woman’s delight – as an Asian man.

51. Dove soap, which enjoys a significant Black clientele in the United States and elsewhere, released an advertisement last year of a woman of African descent in a shirt matching her brown skin who uses Dove soap and removes her brown T-shirt to reveal a white woman with white skin, red hair and a beige t-shirt matching her (white) skin colour. Similarly, Nivea, a well-known soap and skin-care company, released an advertising campaign called “Re-civilize yourself”. The advertisement showed a well-dressed and clean-shaven black male throwing away the head of a not-so-clean-shaven black male with an Afro hairstyle.

E. The impact of racial stereotypes and stereotyping on human rights

52. Negative racial stereotypes and the cumulative impact of racially motivated discrimination are defining factors for many people of African descent worldwide. The individual and institutional racism faced by people of African descent impacts their enjoyment of basic human rights, including their economic, social, cultural, civil and political rights. This has serious consequences for their overall well-being, as the

chronic stress from enduring racism and denialism leads to biological, psychological, cognitive and emotional harm.³⁶

53. Such negative racial stereotypes both reflect and perpetuate cultural stereotypes that justify denialism, diminished expectations and divestment from communities of African descent. Racial discrimination continues to be systemic and rooted in an economic model that denies meaningful and effective development to people of African descent globally and frequently justifies or neutralizes the historical and ongoing exploitation of their labour, land and natural resources. Racial disparities are apparent and obvious in many areas impacting human rights, including education, due process under the law, the rights of the child, health, and others. The ongoing racial disparities that exist with respect to people of African descent are often grounded in pervasive racial stereotypes that facilitate social acceptance (and sometimes even the expectation) of the racial disparity.

Racial bias and stereotyping in the justice sector

54. Racial stereotyping in the criminal justice system is common and can distort perceptions of the facts and lead to miscarriages of justice, harsher sentencing, excessive use of force and re-victimization.

55. One of the most enduring stereotypes that has harmed people of African descent is the association of blackness with criminality. As stated on the website of the Equal Justice Initiative:

These racial disparities in our criminal justice system are a legacy of our history of racial injustice... Slavery evolved into convict leasing, whereby African Americans were arrested for ‘crimes’ like loitering and forced to work in white-owned businesses throughout the South. The decades of racial terror lynchings that followed slavery grafted onto the narrative of racial hierarchy a presumption of guilt and dangerousness, as whites defended vigilante violence against black people as necessary to protect their property, families and Southern way of life from black ‘criminals’.

The presumption of guilt and dangerousness assigned to people of African descent has made minority communities particularly vulnerable to the unfair administration of criminal justice.³⁷

56. The transition from slavery to racial apartheid was particularly devastating for people of African descent. They faced racial terrorism and higher rates of incarceration. They were caricatured as innately savage, animalistic, destructive and criminal. Misconceptions and prejudices manufactured and disseminated through various channels, such as the media, have included references to the image of black males as “savages” and “brutes”. The negative term “thug” has also frequently been used.

57. The long-term consequences are evident in everyday police-civilian interactions. This process of dehumanization often leads many to view black men and black children as older and more fearsome and menacing than they are. Even at very young ages, black children are seen as less childlike, more culpable and less innocent. This pattern of misperception is troubling. Police officers are often exonerated for killing black civilians on the premise that they fired their weapons out of fear for their lives. This was evident in the 2014 killing in the United States of Dontre Hamilton, an unarmed black man in Milwaukee who was shot 14 times by Officer Christopher

³⁶ See Derald Wing Sue, *Microaggressions in Everyday Life: Race, Gender and Sexual Orientation* (Hoboken, New Jersey, John Wiley & Sons, Inc., 2010).

³⁷ Equal Justice Initiative, “Presumption of guilt”. Available at <https://eji.org/racial-justice/presumption-guilt>.

Manney. Officer Manney later portrayed Mr. Hamilton as hulking and muscular, saying he feared being overpowered. Twelve-year-old Tamir Rice, who was killed by a Cleveland police officer in 2014 while playing with a toy gun, was described by the officer at the scene as being 20 years old. These descriptions reflect stereotypes of black men and children that do not comport with reality.

58. Work by psychologists Jennifer L. Eberhardt and Valerie Purdie has shown how the internal biases of law enforcement officials impact their relations with people of African descent. When police officers were asked who looked criminal, they chose more black faces than white faces. The more stereotypically black a face appeared, the more likely officers were to report that the face looked criminal. The authors conclude that “police officers imbue this physical variation with criminal meaning – that is, the ‘more black’ an individual appears, the more criminal that individual is seen to be”.³⁸

59. Data collected by the *Washington Post* on the use of lethal force by the police since 2015 show that black people, despite being 13 per cent of the United States population, accounted for 26 per cent of those that were killed by police in 2015, 24 per cent in 2016 and 23 per cent in 2017. What this overrepresentation means is simply that black people were the victims of the lethal use of force by police at a rate that is nearly twice their representation in the general population. In the first half of 2018, black people made up 20 per cent of all those killed by police under all conditions. The deadly impact of the negative stereotypes of black people can be gleaned by looking at the racial composition of the people who were unarmed when killed by the police.

60. The impact that negative stereotypes have on policing is not unique to the United States. A recent study by the Canadian Broadcasting Corporation (CBC) found that black men were three times more likely to be killed by police. According to CBC, caucasians represented nearly half the victims in the database, which was not surprising given that this was the largest racial group in the country. However, when considering the racial and ethnic composition of the overall population, two distinct groups were overwhelmingly overrepresented in these encounters: black and indigenous people.

61. In the United Kingdom of Great Britain and Northern Ireland, data disclosed by the Metropolitan Police Service in August 2017 indicated that people of African descent and of ethnic minority background, in particular young African and Caribbean men, were twice as likely as other people to die from the use of force by police officers and the subsequent lack or insufficiency of access to appropriate health care. Despite making up just 14 per cent of the population, black, Asian and minority ethnic men and women make up 25 per cent of prisoners, while over 40 per cent of young people in custody are from black, Asian and minority ethnic backgrounds. These deaths reinforce the experiences of structural racism, overpolicing and criminalization of people of African descent globally.

62. In the United Kingdom and other countries, it has been reported that stereotypical characteristics of extraordinary strength, dangerousness and criminality have often been ascribed to people of African descent following a death in custody to demonize and blame the victim for his or her own death. The racial stereotype of the black man as big, black and dangerous, violent and volatile, when woven into police culture and practice can lead to the disproportionate and fatal use of force. A subgroup of people who suffer double discrimination are people of African descent with mental

³⁸ See Jennifer L. Eberhardt, Phillip Atiba Goff, Valerie J. Purdie and Paul G. Davies, “Seeing black: race, crime and visual processing”, *Journal of Personality and Social Psychology*, vol. 87, No. 6 (2004).

health needs, where negative imagery – the stereotype of the mentally ill as mad, bad and dangerous – informs their treatment.³⁹

63. In the United Kingdom, the Metropolitan Police Service Gangs Matrix has been criticized and accused of disproportionality and discrimination, particularly against young black males. The review by the Mayor’s Office for Policing and Crime indicates that the representation of young black males on the Matrix is disproportionate to their likelihood of criminality and victimization.

64. The media also plays a role in reinforcing racial stereotypes and desensitizing the public when the police kill people of African descent unjustly. Furthermore, the media often re-victimize victims of police brutality by digging for any of their past transgressions and posting the most unflattering photos they can find of the victims to send a subliminal message that “this life was worthless”.

65. There is clear evidence that racial profiling is endemic in the strategies and practices used by law enforcement around the world. Law enforcement targets, stigmatizes, stereotypes and profiles people of African descent on the basis of race. They are subjected to humiliating and often frightening detentions, interrogations and searches without evidence of criminal activity. The Working Group is aware of the negative impact of this strategy of policing, which has been proven many times over to be ineffective. It has led people of African descent to live in fear; it has cast black communities as suspect simply because of what they look like, where they come from or what religion they adhere to.

66. In the United States, black drivers are more likely to be stopped by police officers and three times more likely to be searched than white drivers. Newly released data from the Stanford Open Policing Project of Stanford University confirm the prevalence of racial profiling in law enforcement. Using data collected from over 100 million traffic stops across the United States between 2011 and 2017, the researchers found that black and Latino drivers were stopped at a disproportionate rate compared with white drivers, who are searched less often but are more likely to be found with contraband.

67. In 2013, United States Federal District Court Judge Shira Scheindlin ruled that the New York Police Department’s stop-and-frisk programme was unconstitutional because of its clear history of racial discrimination. Scheindlin also found that the Police Department had resorted to a policy of indirect racial profiling which led to officers’ routinely stopping black and Hispanic people who would not have been stopped if they were white. Scheindlin found that 83 per cent of the stops between 2004 and 2012 involved black and Hispanic people, even though they made up just slightly more than 50 per cent of the city’s residents.

68. In Canada, a York University research team working on the Ottawa Police Service Traffic Stop Race Data Collection Project found that in Ottawa, black and Middle Eastern drivers, irrespective of their sex and age, had disproportionately high incidences of traffic stops. Black drivers were stopped 7,238 times, or about 8.8 per cent of total stops, over a two-year period, although they represented less than 4 per cent of the total driving population in Ottawa.

69. In a survey by the European Union Agency for Fundamental Human Rights,⁴⁰ one third of respondents (30 per cent) said they had experienced some form of racist harassment and one fifth (21 per cent) said they did so during 2018. Yet only 14 per cent of victims of racist harassment reported the most recent such incident to any

³⁹ Information provided by INQUEST.

⁴⁰ European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey: Being Black in the EU* (Luxembourg, 2018).

authority. Many of the people of African descent who were stopped by the police said that they had experienced racial profiling, an unlawful practice that undermines their trust in law enforcement authorities.

Racial bias and stereotyping with respect to economic, social and cultural rights

70. Racial bias and stereotyping have a clear impact on the rights to education, housing, employment and health. With respect to health, people of African descent often lack access to preventive health services, receive lower-quality care and experience worse health outcomes for certain conditions. The understanding that racial bias and racism impact medical care is increasingly in focus in the medical community.⁴¹ For example, in the United States, people of African descent are undertreated for pain, and research suggests that pervasive racial stereotypes and false beliefs about black people impact medical professionals' assessments of patients' pain.⁴² The same research suggests that racial bias in pain perception also creates racial bias in treatment recommendations. Women of African descent experience more severe maternal morbidity as well – several times the rate of white women.⁴³ Research shows that unconscious bias affects the quality of care that women of African descent receive. Furthermore, racial disparities and the increased risks for black women are not ameliorated by social status, income or education, as was seen in the case of tennis player Serena Williams.⁴⁴

71. Entrenched racial disparities indicate that education is also less accessible to people of African descent. Race-based stereotypes about the scholastic ability of students of African descent have had a devastating impact. In many instances, teachers recommend that children of African descent follow educational paths that reduce their opportunities for higher education. In some countries, the educational system “feeds” children of African descent into the juvenile or criminal justice system via policy measures such as installing police in schools as security and managing school climate and student discipline by funnelling it through the criminal justice system in what is referred to as the “school-to-prison pipeline”.

72. Many schools in urban areas are underresourced and incapable of providing the basic level of education to prepare children for secondary and post-secondary school. Just as troubling, many tests used to assess student excellence maintain designs that eliminate systematically most or all students of African descent from consideration. Yet, instead of questioning the test's design (as would happen if the test eliminated

⁴¹ See Martha Hostetter and Sarah Klein, “Transforming care: reducing racial disparities in health care by confronting racism?”, The Commonwealth Fund, 27 September 2018. Available at <https://www.commonwealthfund.org/publications/newsletter-article/2018/sep/focus-reducing-racial-disparities-health-care-confronting>.

⁴² See Kelly M. Hoffman, Sophie Trawalter, Jordan R. Axt and M. Norman Oliver, “Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between blacks and whites”, Proceedings of the National Academy of Sciences of the United States of America, vol. 113, No. 16, 19 April 2016. Available at <https://www.pnas.org/content/113/16/4296.full>.

⁴³ New York City Department of Health and Mental Hygiene, “Severe maternal morbidity in New York City, 2008–2012”, New York, 2016. Available at <https://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>. (This report states that: “Nationally, Black non-Latina women are three times as likely to die during pregnancy or childbirth and twice as likely as White non-Latina women to experience [severe maternal morbidity]. A recent report on New York City pregnancy-associated mortality found that Black non-Latina women were 12 times as likely as White non-Latina women to die from pregnancy-related causes”).

⁴⁴ See Sheela Nimishakavi, “Racism, not race, causes health disparities for black mothers”, *Nonprofit Quarterly*, 18 April 2018. Available at <https://nonprofitquarterly.org/2018/04/18/racism-not-race-causes-health-disparities-black-mothers/>.

most or all white students from consideration), the students' abilities are doubted, and racial bias is further perpetuated by outcomes consistent with racist expectations. Consequently, equal opportunity, including equal access to post-secondary education and professional training, has still not been achieved. In addition, individual decision-making and policy decisions continue to reflect racial bias and the pervasive impact of social conditioning via cultural stereotype.

73. People of African descent also face barriers in obtaining employment. In its fact-finding missions, the Working Group has found that people of African descent have significantly lower employment rates. Where countries maintain equality data disaggregated by race or origin, this finding has been supported by quantitative data. Discrimination in access to employment is a key barrier, and it is often a combination of racial, ethnic, national, religious and gender discrimination. There are copious examples of discrimination against people of African descent in the course of their application for jobs, and in many countries this has become a structural phenomenon.⁴⁵ For example, in France, an experiment showed that a woman with a Senegalese sounding name had only an 8.4 per cent chance of being called for a job interview, as compared to a 22.6 per cent chance for women with French-sounding names.⁴⁶ For Muslim women across Europe, discrimination based on race, ethnicity, gender and religion has hindered access to the labour market, as demonstrated by curriculum vitae testing and surveys of employers.⁴⁷ In addition, the intersectional combination of racialized and gendered processes has caused overscrutiny of women of African descent in the workplace. Some black women have had experiences of discrimination owing to their hair, with some employers explicitly imposing uniform codes that define common black hairstyles as unprofessional.⁴⁸

74. The ongoing racial bias perpetuated and licensed by toxic negative stereotypes also impacts people of African descent with respect to access to housing. The individual and subjective decision-making of lenders, landlords and brokers powerfully impacts housing and stability. Everyone has a fundamental human right to housing, which ensures access to a safe, secure, habitable and affordable home with freedom from forced eviction.⁴⁹ This right must be accorded to all persons, irrespective of income or access to economic resources. However, discrimination in housing and rental markets continues unabated. In some countries, rental advertisements state that “a permanent employment contract is required” or “we don't rent to foreigners”. In other countries, landlords reject applicants once they detect an

⁴⁵ See European Network Against Racism, “Shadow report: racism and discrimination in employment in Europe 2013–2017”, 21 March 2018. Available at <https://ec.europa.eu/migrant-integration/librarydoc/enar-shadow-report-racism-discrimination-in-employment-in-europe-2013-2017>.

⁴⁶ See Pascal Petit, Emmanuel Duguet, Yannick L'Horty, Loïc du Parquet and Florent Sari, “Discrimination à l'embauche: les effets du genre et de l'origine se cumulent-ils systématiquement?”, *Economie et Statistiques*, No. 464–466, 2013.

⁴⁷ See Đermana Šeta, “Forgotten women: the impact of Islamophobia on Muslim women”, European Network Against Racism, Brussels, 2016.

⁴⁸ This problem is so pervasive in the United States that, even as some courts have upheld this form of discrimination, the New York City Commission on Human Rights recently issued a ban on discrimination on the basis of hairstyle, designed specifically to address this form of racial bias against people of African descent, and particularly in employment. See New York City Commission on Human Rights, “Legal enforcement guidance on race discrimination on the basis of hair”, February 2019. Available from <https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>.

⁴⁹ See article 25 of the Universal Declaration of Human Rights, article 11 of the International Covenant on Economic, Social and Cultural Rights, article 27 of the Convention on the Rights of the Child, article 5 of the Convention on the Elimination of All Forms of Racial Discrimination and article 14 of the Convention on the Elimination of All Forms of Discrimination Against Women.

African accent over the phone, recognize an African-sounding name or see an applicant with darker skin. The individual decision-making of landlords and other continues to be impacted by negative stereotypes and structured by racial bias.

75. In addition, the pervasive practice of reverse redlining led to a dramatic loss of wealth and housing inside communities of African descent in the United States in and around 2008, as mortgage lenders and brokers specifically targeted people of African and Latino descent for subprime mortgages to facilitate an explosion of securitized debt to fuel capital markets. The decision-making concerning acceptable communities to exploit for profit disproportionately fell to communities of African descent. Furthermore, while many banks were bailed out by the Government for their catastrophic losses in 2008, many individuals of African descent experienced a loss of wealth, housing and stability that was just as catastrophic, if not more so, but received no assistance.

III. Conclusions and recommendations

76. Ultimately, the perpetuation, tolerance and licensing of racial bias via negative stereotypes that are prevalent in everyday life violates the human rights of people of African descent. The ability to exercise and enjoy key human rights is dramatically curtailed by racial bias in decision-making that is grounded in false beliefs. Racial bias has such systemic impact on the enjoyment and exercise of human rights that in different countries people of African descent face similar challenges. This suggests that a key underlying factor is white supremacy, or a construction of whiteness that relies on toxic negative stereotypes about people of African descent, to preserve the value of whiteness and to afford lesser opportunity and rights to people of African descent. By dehumanizing people of African descent in the social mindset and the body politic, the impact and injustice of inequality and entrenched racial disparities are neutralized and even justified.

77. In order to guarantee respect, protection and fulfilment of human rights for people of African descent, the enduring harm and impact of anti-black racial stereotypes and stereotyping on the enjoyment of human rights must be understood and acknowledged and the negative racial stereotypes and false characterizations must be dismantled by changing the narrative and addressing the racism that continues to be reflected in the decision-making, policies and practices that structure how our society operates.

Recommendations

78. Considering the current manifestations of racism, racial discrimination, Afrophobia, xenophobia and related intolerance, the Working Group of Experts on People of African Descent calls upon States:

(a) **To unequivocally and unconditionally reject and condemn racist hate speech and hate crimes targeting people of African descent wherever they occur;**

(b) **To take measures to prevent any dissemination of ideas of racial superiority and inferiority or ideas which attempt to justify violence, hatred or discrimination against people of African descent;**

(c) **To take resolute action to counter any tendency by law enforcement officials, politicians and educators to target, stigmatize, stereotype or profile people of African descent on the basis of race;**

(d) **To take strict measures against any incitement to discrimination or violence against people of African descent, including on the Internet. States and**

civil society should work with media and communications companies to promote more positive and inclusive images and representations of people of African descent in order to increase their visibility within society and challenge negative stereotypes and resultant discrimination;

(e) To adopt measures to combat the indirect discrimination faced by children in education systems by removing the negative stereotypes and imagery often used in teaching materials, ensuring the inclusion in curricula of the histories and cultures of people of African descent and the history of the transatlantic trade in enslaved Africans and ensuring the cultural or linguistic relevance of teaching for children of African descent. Formal education at the early childhood, primary, secondary, post-secondary and adult levels must incorporate knowledge about the history of transatlantic slavery, the role of people of African descent in global development, and the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind. In addition, comprehensive curricula reform should be undertaken to remove all forms of stereotyping;

(f) To modify or transform harmful gender stereotypes and eliminate wrongful gender stereotyping;

(g) To promote actions that celebrate diversity and inclusion, including critical analyses of policies and procedures that reflect racial disparities or disproportionate burdens on people of African descent;

(h) To adopt legislation declaring organizations that promote and incite racial discrimination illegal, in conformity with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Working Group believes that freedom of expression is an important tenet of human rights that is not abridged by limiting hate speech and racist speech as a political act. In this regard, the Working Group calls for a recommitment of States to balance freedom of expression with the demands for racial equality;

(i) To recognize people of African descent as a distinct group. This is essential to increase their visibility and foster their full realization of their human rights and fundamental freedoms. People of African descent must be recognized among others in national constitutions and legislation, through education, awareness-raising measures and respect for their cultural rights. Self-recognition is also critical for people of African descent. In order to attain full recognition, data collection is crucial to confirm the presence, activities and overall situation of people of African descent;

(j) To revise and develop specific curricula and corresponding teaching materials that respect and recognize history, including the transatlantic trade in enslaved Africans. Such curricula should be incorporated into formal and informal education at the early childhood, primary, secondary, post-secondary and adult education levels. People of African descent should have the opportunity to contribute to the development of such curricula;

(k) To support and promote greater knowledge of and respect for the history of people of African descent. All students and teachers around the world should be taught about Africa and the history of the African diaspora, the nature and effects of colonialism and the transatlantic trade in enslaved Africans, African culture and the contribution of people of African descent to progress and to global economic development, especially that of Europe. This will promote the recognition of people of African descent as world actors;

(l) To honour the memory of the victims of past tragedies, wherever and whenever they occurred, to condemn such tragedies and prevent their recurrence

and to take measures to preserve, protect and restore the memory of the sites of the transatlantic trade in Africans and enslaved resistance, giving greater visibility to this history and culture through museums, monuments, visual arts and other means;

(m) To intensify efforts in the field of education in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, to encourage educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and to review and amend textbooks and curricula to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes and include material that refutes such stereotypes;

(n) To recognize the contribution of the continent of Africa and people of African descent to the development, diversity and richness of world civilizations and cultures, which constitute the common heritage of humankind. States should, in collaboration with relevant United Nations bodies and agencies, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO) and international donors:

- (i) Promote and protect the culture, identity and tangible and intangible heritage of the continent of Africa and people of African descent and maintain and foster their mode of life and forms of organization, languages and religious expressions;
 - (ii) Set up research programmes and circulate information to deconstruct the misrepresentation of people of African descent;
 - (iii) Consider proclaiming a national day, in countries that do not yet have such a day, to celebrate the heritage, culture and contribution to the world of people of African descent.
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