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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**

### **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\***

#### **Report of the Secretary-General**

##### *Summary*

The present report is submitted pursuant to General Assembly resolution [74/137](#), in which the Assembly requested the Secretary-General to submit at its seventy-fifth session a report on the implementation of the resolution. In the report, the Secretary-General outlines examples of measures undertaken by Member States, the Durban follow-up mechanisms and the Office of the United Nations High Commissioner for Human Rights to counter racial discrimination. He concludes that stronger political will and more resolute action are needed to effectively tackle entrenched structural and systemic racism and racial discrimination. He recommends, inter alia, focusing on the root causes behind the current impact of racial disparities on groups and communities facing racism and racial discrimination.

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\* The present report was submitted after the deadline in order to reflect recent developments.



## I. Introduction

1. In its resolution [74/137](#), the General Assembly emphasized that millions of human beings continued to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations. It also reiterated that all human beings are born free and equal in dignity and rights and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races. The General Assembly further acknowledged the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of civil, cultural, economic, political and social rights.

2. In the same resolution, the General Assembly welcomed the efforts made by civil society in support of the follow-up mechanisms and in the implementation of the Durban Declaration and Programme of Action.<sup>1</sup> It also underlined the need to promote tolerance, inclusion and respect for diversity and the need to seek common ground among and within civilizations in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion. It expressed alarm at the spread in many parts of the world of various racist extremist movements based on ideologies that seek to promote nationalist, right-wing agendas and racial superiority, and stressed that these practices fuelled racism, racial discrimination, xenophobia and related intolerance.

3. During the reporting period the disproportionate impact of the coronavirus disease (COVID-19) pandemic on individuals and groups belonging to racial and ethnic minorities has laid bare structural inequalities and racial discrimination, manifested in uneven access to health care, health monitoring and testing and targeted information to these groups. Additionally, these minorities are often overrepresented in occupations that are more exposed to the risk of the current pandemic. Where disaggregated data are available, stark racial disparities are evident.<sup>2</sup>

4. The pandemic has also unleashed hate and xenophobia, scapegoating and scaremongering,<sup>3</sup> exacerbating stigma, discrimination and racism against certain national and ethnic groups. Its ripple effects have impacted on the enjoyment of civil, political, economic, social and cultural human rights by people belonging to racial groups and communities, as well as migrants and refugees. This in turn is putting at risk the effective implementation of the 2030 Agenda for Sustainable Development and Sustainable Development Goal 10, to reduce inequality within and among countries.

5. An anti-racism movement gained momentum around the world in 2020. It has demonstrated global outrage at racism, inequality and discrimination, and exposed structural racism and injustice that deny people their fundamental human rights on the basis of their skin colour. The economic and social injustice, the rise in hate crimes and xenophobia, the persistence of institutionalized racism and white supremacy, as well as populism, extremism and scapegoating, have the potential to create new inequalities and divisions within and between communities, ethnic groups and countries.<sup>4</sup>

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<sup>1</sup> [www.un.org/WCAR/durban.pdf](http://www.un.org/WCAR/durban.pdf).

<sup>2</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916&LangID=E).

<sup>3</sup> See [www.un.org/press/en/2020/sgsm20076.doc.htm](http://www.un.org/press/en/2020/sgsm20076.doc.htm).

<sup>4</sup> See [www.un.org/sg/en/content/sg/speeches/2020-07-18/remarks-nelson-mandela-lecture-tackling-the-inequality-pandemic-new-social-contract-for-new-era](http://www.un.org/sg/en/content/sg/speeches/2020-07-18/remarks-nelson-mandela-lecture-tackling-the-inequality-pandemic-new-social-contract-for-new-era).

6. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought contributions from Member States and other stakeholders as requested by the General Assembly in its resolution. Submissions were received from 12 States: Brazil, Guatemala, Haiti, Hungary, Italy, Kazakhstan, Mexico, the Netherlands, Qatar, the Russian Federation, Senegal and Sweden. The report summarizes the submissions received from Member States, provides information on activities undertaken by OHCHR and the Durban follow-up mechanisms and presents some conclusions and recommendations.

## **II. Legal and institutional frameworks**

### **A. Anti-discrimination measures**

7. In their submissions, States shared examples of some national measures in place to counter racial discrimination.

8. Brazil reported that, under article 31 of the newly enacted Decree No. 10.174 of 13 December 2019, the Department of Ethnic-Racial Policies of the National Secretariat for Policies for the Promotion of Racial Equality in the Ministry of Women, Family and Human Rights, is responsible for: planning, formulating, coordinating and assessing the implementation of policies to promote ethnic and racial equality, and promoting coordination and integration among public agencies at the federal, state and municipal levels, with a view to promoting ethnic and racial equality and the formulation of policies for traditional peoples and communities, with an emphasis on the Quilombola, Roma and black populations and foreigners from different ethnic and racial backgrounds. The National Secretariat is responsible for policies for the promotion of racial equality in compliance with the national and international legal obligations with regard to confronting, combating and overcoming various forms of discrimination and related intolerance in the country, with a special emphasis on the black population.

9. Haiti reported that it is a signatory of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against all Forms of Discrimination and Intolerance as of 25 June 2014. It also reported that several legal reforms had been adopted, or are being developed, with a view to strengthening the implementation of the Convention on the Elimination of All Forms of Discrimination against Women at the national level.

10. Mexico reported that article 1 of the Constitution guarantees the principles of equality and non-discrimination and that the Federal Law to Prevent and Eliminate Discrimination is the main legal framework for the operationalization of that provision. In the framework of the International Decade for People of African Descent, article 2 of the Federal Constitution was amended in 2019 in order to recognize Afro-Mexican peoples and communities as a category of the national population and guarantee their rights to self-determination, autonomy, development and social inclusion. This recognition would enable the design and implementation of new public policies to address the specific issues faced by Afro-Mexicans.

11. The Netherlands reported that it pursues a wide-ranging approach to combating discrimination, which encompasses all grounds, including race. It is enshrined in the National Action Programme on Discrimination (2016). The Government sends annual progress reports to the House of Representatives on the measures embedded in the National Action Plan on Human Rights (2013), which is currently being updated. To encourage municipalities to pursue an effective anti-discrimination policy, the central Government commissioned the development of anti-discrimination policy guidelines

for municipalities in 2018. The National Ombudsman is an independent institution that handles complaints about and investigates cases where the authorities have acted improperly.

12. The Republic of Kazakhstan reported that the Constitution guarantees equality of all before the law and prohibits all forms of racial discrimination. Kazakhstan also reported that the Law on the People's Assembly of Kazakhstan was the legal basis for the implementation of State policy and protection of national interests in the field of inter-ethnic relations and aimed at realizing the right of everyone to freedom of conscience. It added that Kazakhs, regardless of ethnicity, are full-fledged citizens of the country and hence the terms "national minorities" and "indigenous peoples" are absent from national legislation and any other field of public life.

13. The Russian Federation reported that it had improved its legislation, accompanied by political and practical measures, including initiatives directed at promoting harmonious inter-ethnic relations throughout the country, fostering ethnic cultural diversity and encouraging inter-ethnic tolerance. At the beginning of 2020, in all 85 constituent entities of the Russian Federation, permanent working groups were operating or coordinating inter-agency bodies on the harmonization of inter-ethnic relations and expert advisory bodies on inter-ethnic and ethnic-religious relations.

14. Sweden reported that discrimination due to ethnic origin and religion or beliefs is prohibited under the Discrimination Act. The ban covers virtually all areas of society. Furthermore, employers and education providers are obligated to work preventively to combat discrimination on the basis of ethnic origin and religion or beliefs.

## **B. Criminal law**

15. Hungary reported that violent racist and intolerant behaviours are criminally punishable under its criminal law. It also reported that the Criminal Procedure Code, which entered into force on 1 July 2018, allows for online content (electronic data) to be rendered temporarily inaccessible during criminal proceedings as a coercive measure ordered by the court. The new Code also defines more accurately the group of service providers to be under this obligation and makes it possible to temporarily block access to electronic data even if the service provider under obligation cannot be identified or if it would cause disproportionate difficulties.

16. Kazakhstan reported that, under the Criminal Code adopted in 2014, article 145, on Violation of human and civil rights, provides for liability for direct or indirect restriction of human rights and freedoms on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence, membership of public associations or for any other circumstances. In addition, the commission of a criminal offence motivated by national, racial and religious hatred or enmity, out of revenge for the lawful actions of others, as well as for the purpose of concealing another criminal offence or facilitating its commission, is considered an aggravating circumstance.

17. Senegal reported that the adoption of law No. 2016-29 of 8 November 2016 has strengthened the legislative framework for combating racism and racial discrimination by introducing new provisions into the penal code that prohibit the propagation of racism, xenophobia and any other behaviour associated or related through information and communication technologies.

18. Sweden reported that, under the Swedish Criminal Code, a person who, in a statement or other communication, threatens or expresses contempt for a population

group by allusion to race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression is guilty of agitation against a population group. The Criminal Code also provides for aggravated sentencing where a motive for a crime was to insult a person or a population group on one of those grounds, or another, similar circumstance.

### **C. National human rights institutions, plans of action, strategies and policies**

19. Guatemala reported that the Presidential Commission against Discrimination and Racism against Indigenous Peoples was tasked with promoting and mainstreaming the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination and other policies aimed at combating racism and discrimination within relevant public bodies and institutions at the national and local levels. An inter-institutional coordination committee, composed of 55 State institutions and coordinated by the Presidential Commission was established as a mechanism for monitoring the obligations of the State of Guatemala under international and regional human rights conventions, in particular with regard to the rights of indigenous peoples and the fight against racism and racial discrimination. Working groups have also been established with indigenous authorities in order to address issues concerning indigenous peoples and to facilitate cooperation with the Ombudsman for Indigenous Women, the Presidential Commission, the judicial institution, the national civil police, the Ombudsman for Human Rights and the Commission for National Dialogue on issues related to indigenous peoples.

20. Hungary reported that the Human Rights Working Group, established in 2012, was the main institution tasked with monitoring the enforcement of human rights and compliance with its obligations under international and regional human rights law. The work of the Working Group is divided into more focused thematic working groups.

21. Mexico reported that, at the initiative of the National Council for the Prevention of Discrimination and in collaboration with the Secretary for Foreign Relations and the Ministry of the Interior, a working group was created for monitoring the recommendations of the Committee on the Elimination of Racial Discrimination. Its workplan includes legal, policy and educational action, as well as action focused more specifically on the recognition of Afrodescendants, data collection, racial profiling and combating hate speech. Mexico also reported that a decree amending the provisions of the Federal Law on the Prevention and Elimination of Discrimination was adopted on 21 June 2018 in order to provide the National Council with additional competences in the area of preventing hate speech. It added that, under the National Development Plan 2019–2024, special attention was given to the needs of vulnerable groups, including indigenous peoples and people of African descent.

22. Sweden reported that the national plan to combat racism, similar forms of hostility and hate crime, which was adopted in 2016, was the main policy framework for preventing and combating racism and polarization in its society. It encompasses work carried out at the national, regional and local levels and addresses both racism and its specific forms, such as Afrophobia, anti-Gypsyism, anti-Semitism, Islamophobia and racism against the Sami. Since 2020, the Government has increased the annual budgetary allocation for the implementation of the national plan by 10 million SKr. Sweden also reported that the Equality Ombudsman was the main institution responsible for monitoring compliance with the Discrimination Act and for combating discrimination and promoting equal rights and opportunities for all. It added that anti-discrimination offices provided support and legal advice to

individuals at the local level. The Government has increased its annual budgetary contribution to the Equality Ombudsman and to the local anti-discrimination offices.

#### **D. Education and awareness-raising measures**

23. Guatemala reported that the Ministry of Education had initiated a technical advisory process for the implementation of the Act on Promoting Education against Discrimination (Decree 81-2002) and that a Manual for the Prevention of Racism and Racial Discrimination in Primary Education Centres was prepared as a technical tool for the implementation of this Law. It also developed human rights training programmes and organized several workshops, seminars and forums on the rights of indigenous peoples, racism and racial discrimination with diverse actors. Training courses for public servants on racism, racial discrimination, human rights and social inclusion have been developed and carried out in several ministries and public institutions. In 2019, an international seminar was held to contribute to the analysis of the role of the media in promoting the principle of equality and non-discrimination, and to identify mechanisms for the prevention of discourse inciting racial discrimination and manifestations of racism. A compilation of national and international legal instruments related to the rights of indigenous peoples translated into the K'iche', Mam, Kaqchikel and Q'eqchi' languages was published.

24. Italy reported that the National Anti-Discrimination Office continued to engage in the promotion of awareness campaigns and to support educational projects and cultural initiatives aimed at combating anti-Semitism. In 2019, it promoted public initiatives on the occasion of Holocaust Remembrance Day, as well as several public events, conferences and the screening of the documentary film, *Memory. The Survivors Tell*, which includes the testimonies of several survivors of the Auschwitz camp. The Ministry of Education, University and Research in agreement with the Union of Italian Jewish Communities also continued promoting educational activities on the memory of the Holocaust. It added that the Government had appointed a national coordinator for the fight against anti-Semitism in January 2020.

25. Mexico reported that the Ministry of the Interior, the National Institute for Migration and the National Council have developed a guide to the prevention of racial profiling practices, as a tool for education and awareness-raising for federal immigration officers and other relevant officials. The guide presents relevant international, regional and national standards and analyses the causes and consequences of racial profiling in order to prevent it. It also reported that the National Council had launched a national campaign against xenophobia, promoting the slogan XeNOfobia #NoDejesQueAparezca, that was disseminated on radio, television and social networks and in metro stations. The campaign was focused on preventing prejudices, stigmas and stereotypes and on the integration of migrants into society.

26. The Russian Federation reported that, in 2019, action was taken to detect, prevent and suppress the activities of radical youth associations, as well as the dissemination of materials and information propagating violence, criminal subculture, nationalistic and extremist ideologies. More than 526,000 legal information lectures and discussions, including on the topic of anti-racial discrimination in educational, recreational and leisure organizations, were provided.

27. Sweden reported that the Living History Forum continued to carry out education initiatives against racism and similar forms of hostility, for school staff and other public employees. It added that the Swedish Media Council worked to improve the skills of children and young persons as media users and to protect them from harmful effects of media; it ran the "No Hate Speech Movement" campaign to increase

awareness of racism and similar forms of hostility on the Internet. The Swedish Agency for Youth and Civil Society allocated grants for activities to combat racism and similar forms of intolerance and the Government consults regularly with civil society organizations on issues relating to racism and similar forms of hostility.

## **E. Access to justice and awareness-raising for justice actors**

28. Guatemala reported that its public prosecutor's office had conducted a diagnosis to assess the situation and identify barriers to access to justice for indigenous peoples from a human rights-based approach, with particular focus on areas where indigenous peoples live. It added that 65 interpreters in 15 indigenous languages have received training on the rights of indigenous peoples to provide interpretation during criminal procedures.

29. Hungary reported that persons belonging to minorities living in Hungary and recognized by the law may use their own mother tongue in the course of the criminal proceedings and that the assistance of an interpreter was made available when necessary. It added that the prison service provided information on the rights and obligations for non-Hungarian individuals convicted or detained, in their mother tongue, national language or other mother tongues specified in an international treaty or in another language known to them.

30. Brazil reported that a cooperation agreement was signed by the National Secretariat for Policies for the Promotion of Racial Equality with the National Penitentiary Department of the Ministry of Justice and Public Security to produce materials for a distance education course to be offered to security agents on a virtual educational platform, as well as to encourage and qualify actions and opportunities to promote ethnic and racial equality among workers of the national penitentiary system.

31. Guatemala reported that the public prosecutor's office has developed training workshops for staff on indigenous peoples' rights, discrimination and racism, cultural expertise and indigenous peoples' own legal systems, as well as strategic litigation in cases of sexual violence against women. Moreover, in the deployment of police personnel at the national level, it is ensured that police personnel know the mother tongue prevalent in the town to which they are assigned.

32. Hungary reported that, between January 2014 and December 2019, 138 training courses were held for police personnel on hate crimes. In addition, an online training module was developed by the Faculty of Law Enforcement of the National University of Public Service of Hungary and the Brussels-based organization A Jewish Contribution for an Inclusive Europe, which will be made available in the police-accredited training system. The police also participated in various projects and workshops on hate crimes in cooperation with and with the support of the European Commission. Under the Hungarian National Social Inclusion Strategy, the Hungarian Prison Service Headquarters has taken steps to help young people of Roma origin become prison service officers. Under the equality opportunities act, the Hungarian Prison Service Headquarters was tasked with developing a plan for equal opportunities.

33. Italy reported that the Observatory for Security against Acts of Discrimination had developed training activities on the protection of human rights and preventing and combating acts of discrimination as part of the basic training for State Police recruits. Since 2012, the Observatory has trained over 11,000 police officers. From 2016 to 2019, as part of the European project "Facing all the facts!" the Observatory developed an online course on hate crime for law enforcement. In January 2020, the Observatory organized a conference entitled "The victims of hatred", to enhance the commitment of law enforcement to prevent and combat all forms of discrimination and promote the values of tolerance and inclusion.

34. Kazakhstan reported that the principle of non-discrimination was a central issue in the context of training on “Combating Human Trafficking along Migration Routes” for employees of law enforcement and other State bodies.

35. Qatar reported that its Ministry of Interior upheld the principle of equality and non-discrimination in the conduct of public security and protection of migrant workers without any distinction on the basis of racial, linguistic, cultural or religious grounds. It also reported on measures to protect migrant workers, including through enhanced complaints procedures and human rights capacity-building activities of law enforcement on anti-torture policies in law and practice, as well as on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), among other things.

## **F. Hate speech, hate crime and violent extremism**

36. Hungary reported the adoption of National Police Headquarters Instruction 30/2019 on the implementation of police tasks related to the handling of hate crimes. If there is a suspicion of bias regarding an offence, an officer shall take all necessary measures in order to conduct an effective investigation in relation to the bias-motivated incident, as well as to communicate with the victim and his/her social group and to take or initiate measures to neutralize a potentially dangerous situation. Should a prejudiced motive be suspected, all indicators should be disclosed, documented and included in the indictments in order to facilitate the work of the prosecutor’s office and the courts.

37. Italy reported that the Observatory against Discrimination in the media and the Internet, which was established in 2015 under the National Office against Racial Discrimination, was tasked with monitoring and analysing potentially discriminatory content on social networks and media, both online and offline. The Office has shared its experiences with the managers of the main social network companies and established exchange relations with other institutions, such as the Observatory for Security against Acts of Discrimination and the main non-governmental organizations (NGOs) involved in countering hate speech. It also participated in a research project on hate speech called “Vox Populi”, promoted by the Catholic University of the Sacred Heart and the Centre for Contemporary Jewish Documentation, with the collaboration of the Shoah Memorial Foundation of Milan and the Young Italian Muslims’ Association.

38. The Republic of Kazakhstan reported that, in compliance with the rules for mass media monitoring, the Ministry of Information and Social Development monitors information online to identify content that does not comply with the national legislation, including materials containing incitement of ethnic hatred. In case of violations of the legislation, actions are taken to remove or restrict access to the online content in accordance with article 41-1 of the Law on Telecommunications of 5 July 2004.

39. Sweden reported that, in 2018, the Swedish National Council for Crime Prevention had created the Swedish Centre for Preventing Violent Extremism. Sweden reported increased efforts in tackling hate crimes, including through the establishment of a national contact point and regional groups; additional funding for strengthening efforts in bringing perpetrators to justice; and increased efforts to combat information technology-related hate crimes. It added that the Prosecution Authority has taken measures to enhance its work to combat hate crimes, such as the appointment of prosecutors with special responsibility for such crimes in local public prosecution offices. The National Council for Crime Prevention produced statistics on hate crimes, including on religious grounds.

## G. Positive measures, social inclusion and other measures

40. Guatemala reported that the International Decade for People of African Descent had been officially launched and, in the context of the Decade, several awareness-raising activities had been held, including food festivals, congresses and forums, on the occasion of commemorative days such as the National Day of the Garífuna People, the National Day of Garífuna Women and the International Day of Afrodescendent Women.

41. Brazil reported that an agreement had been signed between the Ministry of Women, Family and Human Rights and the National School of Public Administration, to conduct an evaluation survey on the implementation of Law 12,990, of 9 June 2014, which reserves 20 per cent of vacancies offered in public tenders for black people, to fill positions and public jobs within the federal public administration, municipalities, public foundations, public companies and mixed-economy companies controlled by the Union. In the context of the COVID-19 pandemic, the National Secretariat for Policies for the Promotion of Racial Equality in the Ministry of Women, Family and Human Rights has carried out the distribution of food baskets to indigenous communities and Quilombolas. In 2019, 91 federated entities voluntarily participated in the implementation of the objectives of the National System for the Promotion of Racial Equality aimed at the selection of partnerships with federated entities and public consortia.

42. Hungary reported that, under the Hungarian National Social Cohesion Strategy, several actions had been implemented to promote the social inclusion of Roma, including the Safe Start Children's Home Network, afterschool support programmes and the creation of 11 vocational colleges for Roma students. The provision of basic services to the 300 most disadvantaged settlements through a "settlement-type" and participatory approach, initiatives to strengthen the social participation of Roma women and the active social participation of disadvantaged people and Roma, the review of textbook and curriculum contents related to Roma/Gypsy nationality and the Roma/Gypsy Holocaust, as well as prevention and awareness-raising campaigns on human trafficking, among other things, were among the above actions. The Inter-Ministerial Committee on Social Inclusion and Roma Affairs was tasked with ensuring the integration of the Strategy into individual policies. The Roma Coordination Council, which is composed of 29 members, representing seven Roma NGOs, churches, municipal associations, national and regional Roma minority municipalities and other organizations, was tasked with promoting the Strategy and assessing its implementation.

43. Kazakhstan reported that nine parliamentary seats were allocated to members of ethnic groups, and such groups had the right to establish their own cultural centres, associations and Sunday schools. In 2020, there were more than 1,000 ethnic cultural associations and institutions in the country contributing to the revival and development of languages, culture and traditions of ethnic groups.

44. Senegal reported that the Museum of Black Civilisations in Dakar had been inaugurated on 6 December 2018 and was equipped with facilities for the preservation of cultural artefacts in line with international standards for the preservation of artefacts to be returned to Senegal under the regional action plan of the Economic Community of West African States (ECOWAS) for the return of African cultural artefacts to their countries of origin.

## **H. Data collection**

45. Brazil reported that, for the first time, the Brazilian Census in 2020 would provide specific data on the Quilombola population. The National Secretariat for Policies for the Promotion of Racial Equality is also building the Monitoring System for Policies for the Promotion of Racial Equality, focusing on the integration data and indicators related to affirmative actions that promote racial equality and/or which have, as main targets, the Quilombolas, traditional peoples of African descent, communities and religious spaces, as well as Roma populations.

46. Guatemala reported that national statistics and information on the population, including the national census, the poverty index and the National Registry of Persons, were disaggregated by ethnicity and in accordance with the principle of self-identification. In 2017, the categories of “Afrodescendant/Creole/Fromestizo” and “foreign” were included in the seventh national population census and the seventh national housing census in the list of ethnic categories with which the surveyed population could self-identify. An awareness-raising campaign was carried out on the right to self-identification in the context of the national census.

47. Mexico reported that, following the constitutional recognition of Afro-Mexicans, the National Institute of Statistics and Geography had recently included the Afrodescendant population in the national census questionnaire in order to improve knowledge on its composition and territorial distribution, as well as to inform the design and implementation of public policies. In the framework of the national census, the National Council for the Prevention of Discrimination, in collaboration with the National Institute of Women, WK Kellogg, the Collective to Eliminate Racism in Mexico, the Senate of the Republic and civil organizations has conducted a national awareness-raising campaign on the right to self-identification, entitled “AfroCenso MX”, that was primarily targeted at people of African descent.

## **III. The Durban follow-up mechanisms and the Office of the United Nations High Commissioner for Human Rights**

48. Equality and non-discrimination are among the strategic priorities of OHCHR. In its policy and work, the Office systematically aims to ensure that national laws, policies and practices effectively prevent and combat discrimination on all grounds and in all forms. During the reporting period it has assisted countries in the development of anti-racial discrimination laws and national action plans by providing expert and technical advice to authorities, including in Argentina, Belgium, Canada, Kazakhstan, Mexico and Peru. It also aims to support authorities in their efforts to “leave no one behind”, including by addressing the root causes of inequalities in various spheres by tackling intersecting and multiple forms of discrimination, and to foster public support for equal, inclusive and diverse societies.

49. OHCHR also provides substantive and technical support in the implementation of the Durban Declaration and Programme of Action through support to the four Durban follow-up mechanisms, namely the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African Descent.

50. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its seventeenth session from 16 to 20 December 2019. Participants discussed the state of racial discrimination worldwide, as well as measures to enhance the effectiveness of the different Durban follow-up mechanisms and with a view to ensure better synergies between those mechanisms. The Working Group reviewed the progress achieved in the implementation of the programme of activities of the International Decade for People of African Descent. It also held a one-day meeting on the preparations of the twentieth anniversary of the Durban Declaration and Programme of Action.

51. During its 101st session, from 4 to 7 August 2020, the Committee on the Elimination of Racial Discrimination issued a statement on the COVID-19 pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination.

52. The eleventh session of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, scheduled to take place from 20 April to 1 May 2020, was postponed. OHCHR is working with the Ad Hoc Committee to hold a meeting in fall 2020. OHCHR is also offering support to the Group of Independent Eminent Experts, which is planning to meet in person or in a hybrid format at the end of 2020.

53. The Working Group of Experts on People of African Descent submitted its annual report to the General Assembly ([A/74/274](#)) and participated in an interactive dialogue with the Third Committee of the Assembly on 29 October 2019. The Working Group organized a side event on 31 October 2019, entitled “Addressing negative racial stereotypes and stereotyping of people of African descent”. At its twenty-fifth session (9–12 December 2019), the Working Group held a private session at which members adopted a new theme for its twenty-sixth session on ways to address environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent. Its session was also postponed to December 2020, owing to the COVID-19 crisis (see [A/HRC/45/44](#)).

54. The Working Group conducted a visit to Ecuador, from 16 to 20 December 2019 (see [A/HRC/45/44/Add.1](#)), and to Peru, from 25 February to 4 March 2020 (see [A/HRC/45/44/Add.2](#)) and will present its reports to the Human Rights Council at its forty-fifth session. It also prepared its operational guidelines on the inclusion of people of African descent, as a tool for United Nations country teams, Member States, financial and development institutions and other stakeholders to assist them in the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals. The Working Group held technical meetings on the implementation of the guidelines in Quito (December 2019) and Lima (February 2020) with government departments and other relevant stakeholders.

55. On 9 December 2019, the Working Group, the Permanent Missions of Bahamas, Barbados, Guyana, Haiti, Jamaica and Trinidad and Tobago and the Mission of the Organization of Eastern Caribbean States organized a special high-level event at the United Nations Office at Geneva with the theme “Ensuring recognition, justice and development”, to raise awareness of, allow for an exchange of views on and galvanize support among Member States, civil society organizations and the general public for the International Decade for People of African Descent and a United Nations declaration on the promotion of and full respect for the human rights of people of African descent.

56. On the occasion of the International Day for the Elimination of Racial Discrimination, the Working Group and the Special Rapporteur on contemporary

forms of racism, racial discrimination, xenophobia and related intolerance called upon States to ensure momentum in the implementation of the commitments of the Durban Declaration and Programme of Action, including at its twentieth anniversary commemoration in 2021.

57. On 6 April 2020, the Working Group and several special procedure mandate holders made an urgent appeal to Governments to commit to racial equity and racial equality in navigating the COVID-19 crisis.<sup>5</sup> They pointed out that structural discrimination could exacerbate inequality in access to health care and treatment, leading to racial disparities in health outcomes and a higher rate of mortality and morbidity for people of African descent.

58. On 5 June 2020, in the aftermath of the killing of a number of persons of African descent, the Working Group and several special procedure mandate holders issued a media release in which they condemned the killings and called for systemic reform and justice.<sup>6</sup> Independent experts of the special procedures of the Human Rights Council also issued a statement.<sup>7</sup> On 12 June 2020, the Committee on the Elimination of Racial Discrimination issued a statement under its early warning and urgent action procedures.<sup>8</sup>

59. On 17 June 2020, during an urgent Debate on current racially inspired human rights violations, systemic racism, police brutality against people of African descent and violence against peaceful protests held by the Human Rights Council, the Special Rapporteur delivered a joint statement,<sup>9</sup> on behalf of the Working Group and joined by the Coordination Committee of Special Procedures. The Council subsequently adopted, without a vote, resolution 43/1 in which it requested, inter alia, the United Nations High Commissioner for Human Rights, with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism and violations of international human rights law against Africans and people of African descent by law enforcement agencies.

60. The Special Rapporteur submitted to the forty-fourth session of the Human Rights Council a report on combating the glorification of Nazism, neo-Nazism and related intolerance prepared pursuant to the resolution of the General Assembly (A/HRC/44/58), and a thematic report on racial discrimination and emerging digital technologies: a human rights analysis (A/HRC/44/57), concluding that emerging digital technologies reinforce and worsen existing inequities, many of which exist along racial, ethnic and national origin lines.

61. During the reporting period, OHCHR actively monitored the human rights impact of racism and racial discrimination during the COVID-19 pandemic and global protests against racism. The High Commissioner for Human Rights highlighted the disproportionate impact of COVID-19 on people of African descent in different parts of the world<sup>10</sup> and urged “serious action” to halt police killings of unarmed African Americans.<sup>11</sup> She also stated that the grievances at the heart of the protests needed to be heard and called for far-reaching reforms and inclusive dialogue with communities’ participation in shaping decisions that affect them and be able to air their grievances.<sup>12</sup>

62. In June 2020, OHCHR released guidance notes on “Racial discrimination in the context of COVID-19”, “Indigenous peoples’ human rights in the context of

<sup>5</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25776&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25776&LangID=E).

<sup>6</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25933&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25933&LangID=E).

<sup>7</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25927&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25927&LangID=E).

<sup>8</sup> See [www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Statements/USA.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Statements/USA.pdf).

<sup>9</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25969&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25969&LangID=E).

<sup>10</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916&LangID=E).

<sup>11</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25910&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25910&LangID=E).

<sup>12</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25922&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25922&LangID=E).

COVID-19” and “COVID-19 and minority rights: overview and promising practices”,<sup>13</sup> which outline the issues particularly impacting the human rights of persons belonging to racial, ethnic and religious groups and indigenous peoples.

## A. International Decade for People of African Descent

63. As the coordinator of the International Decade for People of African Descent, the High Commissioner for Human Rights continued to promote the International Decade through capacity-building activities and awareness-raising meetings and events, as well as by providing substantive and technical support to States and other actors, including at the regional level. In October 2019, OHCHR, in collaboration with the African Union Commission, organized the third regional meeting of the International Decade in Dakar, hosted by the Government of Senegal, as part of the International Decade for People of African Descent. The meeting focused on increasing engagement, including with African Governments and youth, to implement the objectives of the International Decade at the national and regional levels, and to enhance linkages between the African Union’s Agenda 2063, the 2030 Agenda for Sustainable Development, and the programme of activities of the International Decade.<sup>14</sup>

64. OHCHR also organized a one-day consultation on the Permanent Forum on People of African Descent on 10 May 2019, which was attended by more than 200 participants, including representatives of Governments, United Nations mechanisms, bodies and specialized agencies, civil society representatives and people of African descent from all regions of the world (see [A/PFPAD/2019/1](#)). The consultation focused on the modalities, format and substantive and procedural aspects of the Permanent Forum, which the General Assembly subsequently decided to define at its seventy-fourth session (see resolution [74/137](#)).

65. OHCHR continued to organize its annual three-week fellowship programme for people of African descent.<sup>15</sup> It provides participants with the opportunity to learn about and deepen their understanding of international human rights law and the United Nations human rights system and the international framework to combat racism, racial discrimination, xenophobia and related intolerance, with a focus on people of African descent. In 2019, it helped 11 young leaders of African descent from Australia, Brazil, Canada, Colombia, Germany, Ireland, Jamaica, Poland, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America to leverage their work.

66. In 2019, OHCHR also supported civil society in the development of educational materials and training for schoolteachers on racism and racial discrimination in the Netherlands. In 2020, two civil society organizations from Ireland and Spain received OHCHR grants to support projects in their communities. Through these activities, OHCHR contributes to the building of a global constituency in support of the International Decade.

67. In March 2020, during the forty-third session of the Human Rights Council, OHCHR organized a debate on the midterm review of the International Decade for People of African Descent to commemorate the International Day for the Elimination of Racial Discrimination. During the debate, the High Commissioner recalled that the Decade was a unique platform that emphasized the important contribution made by

<sup>13</sup> See [www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx).

<sup>14</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25177&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25177&LangID=E).

<sup>15</sup> See [www.un.org/en/observances/decade-people-african-descent/fellowship-programme](http://www.un.org/en/observances/decade-people-african-descent/fellowship-programme).

people of African descent and promoted concrete measures to stop discrimination and promote their full inclusion.<sup>16</sup>

68. OHCHR works closely with the Department of Global Communications in the implementation of the outreach, communications and awareness-raising of the International Decade through its dedicated website,<sup>17</sup> and the publication of various awareness-raising and promotional materials about the International Decade.

## B. Collaboration among United Nations agencies

69. To promote greater visibility of persistent patterns of discrimination, the United Nations Population Fund (UNFPA) has supported national institutions in strengthening their capacity for population data collection, disaggregation and analysis to promote visibility and equity for people of African descent in national policies. UNFPA, for instance, worked, inter alia, in Chile, Colombia, Haiti and Nicaragua, where UNFPA provided technical assistance for the preparation processes for the 2020 census round to ensure the inclusion of the ethnicity variable in the census surveys, capturing African descent and other groups.

70. OHCHR collaborates with UNESCO in several areas to implement the programme of activities of the International Decade, including the management of memory sites and itineraries, and the development of teaching and of promotional materials, and the organization of a series of thematic meetings to deepen reflection on specific issues concerning racism and people of African descent.<sup>18</sup> OHCHR has also been collaborating with UNESCO on the “Slave Route Project: Resistance, Liberty, Heritage”, which celebrated its twenty-fifth anniversary in 2019.<sup>19</sup>

71. OHCHR coordinates the United Nations network on racial discrimination and protection of minorities,<sup>20</sup> which brings together over 20 United Nations departments, agencies, programmes and funds. The network recently adopted a statement entitled “Leave No One Behind”, specifically referring to people of African descent and minorities in the context of the COVID-19 crisis. The network provides a valuable framework for increasing inter-agency collaboration on combating racism.

## IV. Conclusions and recommendations

**72. Progress in preventing and combating the rise of racism, racial discrimination, xenophobia and related intolerance has been made, and work is under way to build on and expand that progress. Yet, much more remains to be done both in terms of the depth of the changes and the reach of this work across countries and contexts.**

**73. People are increasingly impatient to see addressed the deeply rooted structural inequalities and racism that contribute to violence against people of African descent. Recent events are a reminder that racism impacts all of humanity, as well as of the continued relevance of the consensual political declaration of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action on 22 September 2011. Together with the outcome document of the Durban Review**

<sup>16</sup> See [www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25719&LangID=E](http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25719&LangID=E).

<sup>17</sup> See [www.un.org/en/observances/decade-people-african-descent](http://www.un.org/en/observances/decade-people-african-descent).

<sup>18</sup> See [en.unesco.org/internationaldecadeforpeopleofafricandescent](http://en.unesco.org/internationaldecadeforpeopleofafricandescent).

<sup>19</sup> See [en.unesco.org/themes/fostering-rights-inclusion/slave-route](http://en.unesco.org/themes/fostering-rights-inclusion/slave-route).

<sup>20</sup> See [www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx](http://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx).

Conference, they continue to form a solid basis for action to pursue the total elimination of racism, racial discrimination, xenophobia and related intolerance.

74. The COVID-19 pandemic has exposed alarming inequalities within our societies, evidenced by the disproportionate impact that it is having on racial and ethnic minorities, including people of African descent. Disparities result from multiple factors relating to marginalization, discrimination, and access to health care, compounded further by economic inequality, overcrowded housing, environmental risks, limited availability of health care and bias in provision of care have all played a part. Accordingly, to successfully fight racism, States need to focus not only on the current impact of these disparities on groups and communities facing racial discrimination, but also on the root causes.

75. Under international human rights law, States have the obligation to protect the right to health for everyone and to promote access to health care, without discrimination, of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance. As the impact of the COVID-19 pandemic exposes deep weaknesses in the delivery of public health services and structural inequalities that impede access to them, Member States need to make sure that these issues are properly addressed in their response.

76. The media, especially social media providers, need to do much more to flag and remove racist content that violates international human rights law, applying the six-part test found in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (see [A/HRC/22/17/Add.4](#), appendix). Civil society needs to play a role in supporting vulnerable people, and in promoting greater tolerance and mutual respect. The role played by political parties, civil society actors and the private sector needs to foster the combating of racism, racial discrimination, xenophobia and related intolerance.

77. Member States are strongly encouraged to invest in tools and analysis to help better understand the scope of systemic racial discrimination, including through the collection and analysis of disaggregated data by ethnicity and race.

78. The confluence of the midterm review of the International Decade for people of African Descent and the twentieth anniversary of the Durban Declaration and Programme of Action in 2021 add to the importance of redoubling efforts amid the current global scenario. Stronger political will and resolute action are needed to effectively tackle entrenched structural and systemic racism and racial discrimination. Convening a high-level meeting at the seventy-sixth session of the General Assembly to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government, as was done for the tenth anniversary of the Durban Declaration and Programme of Action, would make a significant contribution.

79. Member States, regional organizations, civil society and other stakeholders are encouraged to redouble their efforts to fully and effectively implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. Member States and other stakeholders are invited to actively participate in the deliberations of the mechanisms established to follow up on the Durban Declaration and Programme of Action and implement the recommendations emanating therefrom.

80. In line with the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, Member States are encouraged to establish or strengthen, as appropriate, and equip specialized

bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance and promote racial equality with suitable financial resources, capabilities and capacities to survey, investigate, educate and undertake public awareness-raising activities.

81. Member States are encouraged to cooperate with 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, including by extending to them invitations to carry out country visits and implementing the thematic and country-based recommendations of those mechanisms.

82. Member States are encouraged to finalize the operationalization modalities for the Permanent Forum on People of African Descent and create an inclusive and appropriately funded mechanism to serve as a consultation mechanism for people of African descent as a platform for positively transforming and improving the quality of life and livelihoods of people of African descent (see General Assembly resolutions [69/16](#), [73/262](#) and [74/137](#)).

83. Member States are encouraged to fully and effectively implement their obligations under international law, in particular the non-discrimination clauses in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Those States that have not yet done so are urged to ratify or accede to the Covenants and the Convention.

84. To enhance access to justice and remedies, Member States that have not yet done so are encouraged to use the occasion of the twentieth anniversary of the Durban Declaration and Programme of Action to make a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on their recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation.

85. Member States that have not yet done so should urgently develop and implement national action plans to combat racism, racial discrimination, xenophobia and related intolerance. Other measures include policy reviews to ensure that they do not contribute to racial discrimination, the adoption of strong legal frameworks in conformity with international standards, and the creation or strengthening, as appropriate, of national human rights mechanisms, in line with the Paris Principles.

86. Member States are encouraged to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially motivated acts are properly addressed.

87. International and regional organizations are encouraged to intensify collaboration in fighting racism, racial discrimination, xenophobia and related intolerance, including in the framework of the International Decade for people of African descent.