



Human Rights Council**Fifty-first session**

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Agenda items 2 and 9

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General****Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation of
the Durban Declaration and Programme of Action****Promotion and protection of the human rights and
fundamental freedoms of Africans and of people of African
descent against excessive use of force and other human rights
violations by law enforcement officers through
transformative change for racial justice and equality****Report of the United Nations High Commissioner for Human Rights***Summary*

Prepared pursuant to Human Rights Council resolution 47/21, the present report contains information on developments and initiatives undertaken by States and others to address manifestations of systemic racism against Africans and people of African descent, including in the area of law enforcement, and to advance accountability and redress for victims, including for legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.

In the present report, the United Nations High Commissioner for Human Rights sets out promising initiatives in different countries, including measures to recognize and seek to address racism beyond the sum of individual acts and to begin to address past legacies. They reflect an increased willingness to take concrete steps to address racial discrimination endured by Africans and people of African descent, despite complex national contexts, setbacks arising from the coronavirus disease (COVID-19) pandemic and other major global challenges.

The High Commissioner concludes, however, that for the most part these initiatives fall short of comprehensive evidence-based approaches – grounded in intersectional and intergenerational analyses – that address systemic racism, including structural and institutional factors, in State institutions, the private sector and societal structures across multiple interconnected areas.



The High Commissioner therefore reiterates the call for States to step up the implementation of the 20 actions contained in the agenda towards transformative change for racial justice and equality, noting that greater political will is needed to accelerate action that delivers prompt and consequential results for Africans and people of African descent in every sphere of life.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 47/21 and further to the report of the United Nations High Commissioner for Human Rights and accompanying conference room paper containing the agenda towards transformative change for racial justice and equality, anchored in the lived experiences of Africans and people of African descent.¹
2. In the present report, the High Commissioner describes developments and actions taken by States and others since the launch in July 2021 of the agenda towards transformative change for racial justice and equality, with reference to its four points. While racial discrimination against Africans and people of African descent requires specific attention by Governments and others worldwide, submissions and findings of United Nations and regional human rights mechanisms highlighted in particular information from the most relevant States and regions.
3. Forty-six contributions² – received further to a call for submissions – informed the analysis, alongside eight virtual consultations with 140 individuals, mostly people of African descent, in different regions. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is grateful to those who submitted information and participated in the consultations, in particular families of victims, for sharing their experiences.

II. Action towards transformative change for racial justice and equality

A. Reversing cultures of denial, dismantling systemic racism and accelerating the pace of action

4. In numerous settings, discourse continued to shift towards increased recognition of the systemic nature of racism and its root causes. Mobilization and activism led by people of African descent were instrumental in generating this heightened awareness and momentum. Submissions by States highlighted in particular legislative and other frameworks to address racial discrimination.³

Developments

5. The scarcity of official data disaggregated by race or ethnic origin continued to constitute a significant impediment to adequately identifying and tackling manifestations of systemic racism across all areas of life. With some exceptions, data further disaggregated by other factors, such as sex, gender and age, were widely lacking. Official data, when available, often did not take into account intersectional experiences, thereby rendering such grounds difficult to identify, and sometimes invisible.⁴
6. Nevertheless, OHCHR and others continued to highlight disproportionate outcomes for people of African descent in many countries, notably regarding access to health and adequate food, poverty, education, social protection, justice, enforced disappearance and

¹ See [A/HRC/47/53](#) and annex; and the conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers.

² See <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-preparation-report-united-nations-high-commissioner-human-rights>.

³ Azerbaijan, Brazil, Cuba, Dominican Republic, Ecuador, Mauritius, Mexico and Portugal.

⁴ See [A/76/162](#); and submissions by Harm Reduction International and Release, and Creative Treaty.

violence and, as a result of the climate crisis and business activities, notably affecting access to land.⁵

7. Available information shows multiple and intersecting forms of discrimination experienced by Africans and people of African descent in various countries, including Canada and Peru, with disproportionate impacts on specific groups, including women, children and LGBTIQ+ persons.⁶ For example, Brazil reported that, despite efforts, women of African descent had on average lower monthly incomes and faced higher rates of unemployment, food insecurity and violence.⁷ According to the United Nations Children's Fund and the Brazilian forum for public security, between 2016 and 2020, the main victims of violent death in Brazil were boys of African descent.⁸

8. In France, for example, a survey in 2021 conducted by Défenseur des Droits and the International Labour Organization found that persons aged 18–34 years considered that discrimination occurred often or very often in all areas of social life. Forty-nine per cent of respondents said that they had experienced discrimination in employment, including on grounds of origin, skin colour or nationality, or physical appearance.⁹ In 2021, the French National Advisory Committee on Human Rights found that “origin” – considered to include country of birth (or that of ancestors), nationality, place of residence, physical appearance, language or surname – was “one of the main sources of discrimination, particularly in access to employment and housing”.¹⁰

9. In the United States of America, laws that restrict discussions about race and other personal characteristics in schools were reportedly passed or are under consideration in some states, alongside initiatives to ban books, especially those addressing issues of race, as well as other identities, from school and public libraries.¹¹ In some states, restrictive voting laws and measures, which notably risk disproportionately affecting people of African descent, were introduced.¹² In 2021, concerns were raised that Chile had no reserved seats for people

⁵ See [E/C.12/BOL/CO/3](#); [E/C.12/NIC/CO/5](#); [CEDAW/C/ECU/CO/10](#); [CEDAW/C/PER/CO/9](#); [A/76/408](#); [A/HRC/49/48](#); [A/76/434](#); [A/76/302](#); https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/1_Global/INT_CERD_SWA_9548_E.pdf; [A/HRC/49/21](#); [A/HRC/49/20](#); [A/HRC/49/23](#); [A/HRC/49/19](#); [E/2021/77](#); [CERD/C/CHL/CO/22-23](#); <https://www.ohchr.org/en/statements/2021/11/visit-united-states-america-8-22-november-2021>; communication BRA 1/2022, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26986>; [CED/C/BRA/CO/1](#); [A/HRC/48/78](#); and [A/76/179](#).

⁶ See [A/HRC/49/20](#); [A/76/258](#); [CEDAW/C/PER/CO/9](#); [CRC/C/CAN/CO/5-6](#); <https://www.ohchr.org/en/special-procedures/wg-african-descent/30th-session-working-group>; <https://www.ohchr.org/en/statements/2021/11/visit-united-states-america-8-22-november-2021>; a joint submission by Centre de Réflexion et de Recherche sur la Migration et l'Environnement, Freedom Imaginaries, Haitian Bridge Alliance, Haiti Support Group (Guyana), Nègès Mawon and Nou Pap Dòm; a submission by Coalition “Social Protection for Haitian Immigrants and their Descendants in the Dominican Republic”; a submission by Human Rights Watch; a submission by the United Nations Educational, Scientific and Cultural Organization (UNESCO); <https://www.mpdl.org/sites/default/files/210715-informe-mujer-afrodescendiente.pdf> (in Spanish); [A/HRC/47/27](#); and [A/76/302](#).

⁷ Submission by Brazil.

⁸ See <https://www.unicef.org/brazil/comunicados-de-imprensa/nos-ultimos-cinco-anos-35-mil-criancas-e-adolescentes-foram-mortos-de-forma-violenta-no-brasil> (in Spanish).

⁹ See https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/et_res-014-num-01.12.21_access.pdf (in French).

¹⁰ See <https://www.cncdh.fr/sites/default/files/2022-05/Essentiels%20Report%20on%20racism%202020%20-%20EN.pdf>.

¹¹ See <https://www.aclu.org/news/free-speech/defending-our-right-to-learn>; <https://pen.org/banned-in-the-usa/>.

¹² See <https://www.ohchr.org/en/statements/2021/11/visit-united-states-america-8-22-november-2021>, <https://www.aclu.org/news/racial-justice/one-year-later-our-democracy-is-still-in-crisis> and https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022?_ga=2.220681951.65985231.1653546535-1627746509.1653546535.

of African descent in the Constitutional Convention that is tasked with drafting a new Constitution.¹³

10. United Nations human rights mechanisms have further expressed concern about intolerance, prejudice, negative stereotypes and hate speech, including in the context of political discourse, as well as hate crimes and violent attacks against people of African descent.¹⁴ Violent hate crimes that draw on supremacist ideologies had a particularly devastating impact on families and communities of African descent, including where weaker legal frameworks over the acquisition and use of firearms were in place. In June 2022 in the United States, for example, a man was charged with federal hate crimes and using a firearm to commit murder in relation to the “deaths of 10 Black people and injuries to one Black person and two Caucasian people” in Buffalo, New York.¹⁵

11. It has been noted in consultations and reports that progress continues to be hindered by inadequate funding to implement public policies of direct relevance to people of African descent, or by budget cuts or discontinuation of programmes to combat racism.¹⁶ Calls were voiced for entities that serve people of African descent to be given robust mandates and adequate legal standing, and financial and human resources – for example, regarding the National Commission for the Historical Recognition of the Afro-Argentine Community in Argentina¹⁷ and by equality bodies in Europe.¹⁸

Promising initiatives

12. In 2021, the General Assembly formally operationalized the Permanent Forum on People of African Descent.¹⁹ It requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to advance the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, and invited the Permanent Forum of People of African Descent and the Working Group of Experts on People of African Descent to contribute.²⁰ Such a declaration would enhance the global human rights framework to better address systemic racism against people of African descent. On the twentieth anniversary of the Durban Declaration and Programme of Action, States adopted a political declaration affirming their determination to mobilize political will in the fight against racism.²¹ In 2021, calls were made for States “to re-engage with the Durban process and avoid taking positions calculated to erode” its importance.²²

13. As detailed below, States and others have taken measures to fight racial discrimination against Africans and people of African descent and, in some instances, specifically to dismantle systemic racism.

14. Regarding collection and use of data disaggregated by race or ethnic origin, the national census of 2022 in Argentina included questions to self-identify as a person of African descent.²³ Mexico noted that a similar process had been used for its census of 2020 to generate demographic and other information on its Afrodescendent population, which could be used

¹³ See [CERD/C/CHL/CO/22-23](#).

¹⁴ See, for example, [CCPR/C/DEU/CO/7](#); [CERD/C/CHE/CO/10-12](#); and <https://www.ohchr.org/en/statements/2022/01/statement-media-United-Nations-working-group-experts-people-african-descent>.

¹⁵ See <https://www.justice.gov/opa/pr/accused-tops-shooter-charged-federal-hate-crimes-and-using-firearm-commit-murder>.

¹⁶ See [CRC/C/CAN/CO/5-6](#); and <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.

¹⁷ Submission by *Diáspora Africana de la Argentina*.

¹⁸ See <https://equineteurope.org/publications/tackling-institutional-racism-realising-the-potential-of-equality-bodies/>. Submission by the European Commission against Racism and Intolerance of the Council of Europe.

¹⁹ General Assembly resolution 75/314.

²⁰ See General Assembly resolution 76/226.

²¹ General assembly resolution 76/1.

²² [A/76/434](#).

²³ Submissions by the Office of the Public Defender of the Nation (Argentina) and *Diáspora Africana de la Argentina*.

to develop indicators to analyse and understand their situation.²⁴ In May 2022, the new Anti-Racism Data Act in British Columbia, Canada, introduced a system to securely collect, use, disclose and analyse data disaggregated notably by race and ethnicity, with data protection and privacy safeguards, seeking to identify and eliminate systemic racism and inequities in programmes and services.²⁵

15. Measures to strengthen legal and policy frameworks include the enactment into law in January 2022 by Brazil of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance²⁶ while, in March 2022, the Emmett Till Antilynching Act made lynching a federal hate crime in the United States.²⁷

16. In July 2021, Portugal adopted a multisectoral national action plan to combat racism and discrimination for 2021–2025, aimed at fighting racism “in all its dimensions, individual, institutional and structural”, and comprising measures specifically for people of African descent.²⁸ In 2022, the United States unveiled equity action plans to implement a 2021 executive order of the President on advancing racial equity and support for underserved communities through the Government.²⁹ Further to an initiative by parliamentarians of African descent in Brazil to improve legislation to fight against structural and institutional racism, a commission of jurists, established by Parliament, issued recommendations in November 2021. They include funding anti-racism policies, expanding affirmative action programmes and combating racism in various sectors.³⁰

17. The United Nations and others produced guidance and recommendations for States.³¹ The European Commission issued a guidance note on the collection and use of equality data based on racial or ethnic origin at the national level³² and common guiding principles to develop national action plans against racism by the end of 2022.³³ The European Network of Equality Bodies sought to enhance the capacity of equality bodies in Europe to tackle institutional racism.³⁴

²⁴ Submission by Mexico.

²⁵ See <https://engage.gov.bc.ca/antiracism/>.

²⁶ Submission by Brazil.

²⁷ See <https://www.whitehouse.gov/briefing-room/legislation/2022/03/29/bill-signed-h-r-55/>.

²⁸ See the submission by Portugal, <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDI3NgYAMqHeagUAAA%3d> and <https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent>.

²⁹ See <https://www.whitehouse.gov/equity/>.

³⁰ See <https://www2.camara.leg.br/atividade-legislativa/comissoes/grupos-de-trabalho/56a-legislatura/comissao-de-juristas-combate-ao-racismo-no-brasil/documentos/outros-documentos/relatorio-final> (in Portuguese). See also the submission by Brazil for examples of initiatives in various spheres.

³¹ See [A/HRC/51/10](#); submissions by the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, the European Commission against Racism and Intolerance, UNESCO and the United Nations Office on Drugs and Crime (UNODC); https://www.oas.org/en/iachr/reports/pdfs/ESCER%20Compendium_ENG_complete.pdf; and <https://syrijnta.fi/en/-/discrimination-is-deeply-embedded-in-the-structures-of-our-society-the-non-discrimination-ombudsman-proposes-amendments-to-legislation-to-improve-equality-and-fundamental-rights>.

³² See https://ec.europa.eu/info/sites/default/files/guidance_note_on_the_collection_and_use_of_equality_data_based_on_racial_or_ethnic_origin.pdf.

³³ See https://antiracism-eusummit2022.eu/media/42zfloqy/scic_just_anti-racism-summit_napar-report_v05.pdf.

³⁴ See <https://equineteurope.org/conference-tackling-institutional-racism-the-potential-of-equality-bodies/> and <https://equineteurope.org/publications/tackling-institutional-racism-realising-the-potential-of-equality-bodies/>.

B. Ending impunity for human rights violations by law enforcement officials, closing trust deficits and strengthening institutional oversight

Developments

18. OHCHR continued to receive information regarding incidents leading to deaths and injuries of Africans and people of African descent, including children, during or following encounters with law enforcement officials. Submissions and consultations affirmed that official data on law enforcement encounters were often not disaggregated by racial or ethnic origin and that, globally, only a fraction of the cases of deaths or injuries of people of African descent at the hands of law enforcement were reported or attracted public or media attention.³⁵

19. Where available, recent data continue to point to disproportionately high rates of deaths of people of African descent by law enforcement in different countries.³⁶ According to the Brazilian forum for public security, in Brazil, for example, 78.9 per cent of victims of police operations in 2020 were of African descent.³⁷ Furthermore, misclassification and underreporting were reported in Brazil and in the United States.³⁸

20. OHCHR and others expressed concern about deaths in large-scale law enforcement operations. These included the deaths of 23 people in a single incident in May 2022 in Vila Cruzeiro – a poor, marginalized and predominantly Afrodescendent neighbourhood in Rio de Janeiro, Brazil – into which an investigation was reportedly opened. This and other reported incidents took place despite recent Supreme Federal Tribunal rulings, including one in June 2020 banning such operations during the coronavirus disease (COVID-19) pandemic.³⁹ A plaque to commemorate the deaths of 28 people of African descent in another incident in Brazil in May 2021 in Jacarezinho⁴⁰ was reported to have been destroyed by law enforcement officials.⁴¹ In 2021, OHCHR observed that, in Colombia, “some police officers,

³⁵ See, for example, the submission by Alliance against Racial Profiling; the joint submission by Consultoría para Derechos Humanos y Desplazamiento, El Proceso de Comunidades Negras, Instituto Internacional sobre Raza, Igualdad y Derechos Humanos (Raza e Igualdad) and Ilex Acción Jurídica; a submission by the Leadership Conference Education Fund; and submission by the Norwegian Center of Antiracism.

³⁶ See <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear?LangID=E&NewsID=28225>.

³⁷ See <https://forumseguranca.org.br/wp-content/uploads/2021/10/anuario-15-completo-v7-251021.pdf> (in Portuguese).

³⁸ See the joint submission by Conectas Direitos Humanos, Grupo de Estudos dos Novos Ilegalismos, Iniciativa Direito à Memória e Justiça Racial, Instituto de Defesa da População Negra, Instituto de Defesa do Direito de Defesa, Justiça Global; [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)01609-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)01609-3/fulltext); and <https://www.youtube.com/watch?v=mO96SOUfiNk>.

³⁹ See also para. 40 of the present report; and <https://www.ohchr.org/en/statements/2022/06/oral-update-global-human-rights-developments-and-activities-un-human-rights>; <https://acnudh.org/pt-br/brasil-onu-direitos-humanos-pede-apurar-morte-durante-acao-policia-em-sergipe/> (in Portuguese); https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BRA/INT_CERD_ALE_BRA_94_45_E.pdf; communication BRA 14/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26882>; <https://www.ohchr.org/en/press-releases/2022/07/brazil-un-experts-decry-acts-racialised-police-brutality>; https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/120.asp; the joint submission by Conectas Direitos Humanos, Grupo de Estudos dos Novos Ilegalismos, Iniciativa Direito à Memória e Justiça Racial, Instituto de Defesa da População Negra, Instituto de Defesa do Direito de Defesa and Justiça Global; and the submission by LabJaca.

⁴⁰ See https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BRA/INT_CERD_ALE_BRA_94_45_E.pdf.

⁴¹ See <https://www.hrw.org/pt/news/2022/05/13/rio-police-tear-down-memorial-about-police-violence> (in Portuguese); communication BRA 4/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26422>; <https://www.ohchr.org/en/2021/05/press-briefing-notes-brazil>; and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BRA/INT_CERD_ALE_BRA_94_45_E.pdf.

while attempting to prevent offences, had engaged in ill-treatment or unnecessary or disproportionate use of force, which had, in some cases, resulted in arbitrary deprivations of life in respect of Afro-Colombian adolescents and young persons from poor and vulnerable communities, particularly in the Departments of Atlántico and Bolívar”.⁴²

21. Families of African descent continued to report the immense challenges, barriers and protracted processes they faced in their pursuit of truth and justice for the deaths of their relatives at the hands of law enforcement. Some also reported instances of harassment, living in constant fear of violence and that a similar fate might befall other family members.⁴³ Consultations highlighted the toll on their physical and mental health, notably on mothers, and the socioeconomic impact on their lives, families and communities. Consultations and reports indicated that some lawyers defending families and prosecutors had reported harassment and threats.⁴⁴ In the absence of adequate State support, families often relied on legal and psychological support provided by non-governmental organizations.⁴⁵

22. Independent oversight and complaints procedures and mechanisms regarding action by law enforcement against Africans and people of African descent continued to be key to strengthening accountability. For example, in the United Kingdom of Great Britain and Northern Ireland, with regard to the role of the Independent Office for Police Conduct, the Home Affairs Committee noted the detrimental impact of “lengthy inquiries, poor communications and opaque processes”, adding that “the public perception remains that complaints against police are unlikely to succeed and would only result in minimal sanctions if officers were found to have committed misconduct”.⁴⁶ Concerns were expressed that measures announced in September 2021 in France to ensure accountability for human rights violations committed by police, including parliamentary oversight, “fell short of establishing a fully independent oversight mechanism”.⁴⁷ Despite the recognition by Argentina of responsibility and the apology regarding the death in police custody of a man of African descent, further to an Inter-American Court of Human Rights ruling in 2020, there was reportedly insufficient progress in implementing measures to guarantee non-repetition ordered by the Court, notably to strengthen complaints mechanisms.⁴⁸

23. In the previous report of the High Commissioner, seven incidents were selected to illustrate three key contexts in which police-related fatalities of people of African descent repeatedly occur, as well as broader patterns regarding accountability and redress.⁴⁹ The High Commissioner provides updates on the incidents below, according to information received at the time of finalizing the present report, reflecting responses and comments from the States concerned.

24. Three of those incidents exemplified deaths in the context of policing of minor offences, traffic stops and stops-and-searches.

25. The first incident relates to the death of George Floyd on 25 May 2020 in the United States. On 23 September 2021, former police officer Derek Chauvin filed an appeal with regard to the sentence imposed in April 2021 after a jury had returned guilty verdicts on multiple counts, notably unintentional second-degree murder, third-degree murder and

⁴² [A/HRC/49/19](#).

⁴³ See communication FRA 11/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26793>; the submissions by the International Service for Human Rights and Comité Vérité et Justice pour Adama; <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>; and <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent>.

⁴⁴ See <https://twitter.com/ONUHumanRights/status/1519691999674310656> (in Spanish).

⁴⁵ Submission by LabJaca.

⁴⁶ See <https://committees.parliament.uk/committee/83/home-affairs-committee/news/161387/progress-made-but-many-still-feel-let-down-by-police-complaints-system/>.

⁴⁷ See <https://www.amnesty.org/en/location/europe-and-central-asia/france/report-france/>.

⁴⁸ Submission by the Office of the Public Defender of the Nation (Argentina).

⁴⁹ See [A/HRC/47/53](#) and the conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers.

second-degree manslaughter. On 7 July 2022, Mr. Chauvin was sentenced to 252 months in prison after pleading guilty to federal civil rights offences. On 24 February 2022, three other former officers were found guilty of federal civil rights offences arising out of the death of Mr. Floyd, for which their sentencing is pending. On 18 May 2022, one of the three former officers entered a guilty plea to the offence of aiding and abetting second-degree manslaughter while, on 31 May 2022, the trial date of the other two former officers was continued to 5 January 2023.

26. Regarding broader accountability and redress measures, in April 2022, an investigation by the Minnesota Department of Human Rights, the State's civil rights enforcement agency, found "probable cause" that the City of Minneapolis and the Minneapolis Police Department "engage in a pattern or practice of race discrimination in violation of the Minnesota Human Rights Act".⁵⁰ Together with the City of Minneapolis, the Department began developing a court-enforceable consent decree to address racial discrimination in policing, with specific actions, time frames, independent oversight and reporting on implementation.⁵¹ The pattern-or-practice investigation of the Department of Justice into the City of Minneapolis and the Minneapolis Police Department, launched in April 2021, has not yet concluded and no information on the status of the investigation was available publicly. In its response to the request by OHCHR for updates on the case, the Government of the United States indicated that it continued its efforts to review the use of force by law enforcement officials. In May 2022, the President of the United States issued an executive order on advancing effective, accountable policing and criminal justice practices to enhance public trust and public safety in federal law enforcement agencies. Recognizing "the legacy of systemic racism" in the criminal justice system and striving to "eliminate ... racial disparities", the order seeks to promote accountability, raise standards, reimagine models to respond to persons in crisis, and improve data transparency and oversight of new technologies.⁵²

27. The second incident was the death of Adama Traoré on 19 July 2016 in France. The judicial investigation to determine the circumstances and cause of death remained ongoing. No charges have been laid in connection with Mr. Traoré's death. Concerns have been raised regarding delays and the lack of access to case documents. In its response to the request by OHCHR for updates on the case,⁵³ the Government of France noted that the investigations and medical reports had not allowed for an unequivocal determination of the cause of death and that the three gendarmes remained under "assisted witness" status. It also noted that, while discrimination could be an aggravating circumstance for some criminal offences, in that instance, nothing in the investigation had called for it, nor had any such request been made – stating that that could be added during the judicial investigation. Referring to the duration of the investigation, it noted the complexity of the case and the various procedures requested by investigative magistrates and the family. It clarified that the three gendarmes involved in the incident, alongside some 50 other officers, had been awarded a medal for their participation in other law enforcement operations. With regard to broader measures, the Government provided information on, notably, existing national oversight bodies and complaint mechanisms; legislative and other measures, including those that regulate use of force; and training, such as in the context of identity checks.

⁵⁰ See

https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf.

⁵¹ See <https://mn.gov/mdhr/mpd/faq/>.

⁵² See <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/> and <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/25/fact-sheet-president-biden-to-sign-historic-executive-order-to-advance-effective-accountable-policing-and-strengthen-public-safety/>. See also <https://www.justice.gov/opa/pr/department-justice-launches-law-enforcement-knowledge-lab> and <https://www.justice.gov/opa/pr/justice-department-announces-expansion-technical-assistance-services-offered-law-enforcement>.

⁵³ The Government shared its response to communication FRA 10/2021, which is available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36822> (in French).

28. The third incident was the death of Luana Barbosa dos Reis Santos on 8 April 2016 in Brazil. On 28 September 2021, a court ruling replaced the charge of “qualified homicide” against three military police officers with one of “simple homicide” and upheld the decision of a trial by jury following an appeal by the officers. On 19 November and 2 December 2021, the officers appealed the ruling to the Superior Tribunal of Justice and the Supreme Federal Tribunal of Brazil. The family presented their objections to the officers’ appeals on 18 March 2022. They filed their own appeal and were joined by the office of the public prosecutor. On 15 June 2022, the State of São Paulo appealed against a civil court ruling dated 2 March 2022 in favour of the family’s claim for compensation, with payments suspended until appeals proceedings are completed. The office of the public defender of the State of São Paulo filed two administrative complaints before the State’s secretariat of justice and citizenship seeking an additional investigation, including regarding the role of discrimination based on racial or ethnic origin and on sexual orientation. In its response to the request by OHCHR for updates on the case, the Government of Brazil provided an update on the case and information regarding broader measures to combat all forms of violence against vulnerable groups, notably the national public security plan of 2020 and budgetary allocations for preventive actions.

29. The death of Kevin Clarke on 9 March 2018 in the United Kingdom illustrated the second common context in which police-related fatalities of people of African descent repeatedly occur, namely, law enforcement acting as first responders in mental health crises. On 12 August 2021, the Independent Office for Police Conduct reopened its investigation into the circumstances surrounding the death, having considered findings from an inquest concluded in 2020, and has served nine officers with notices informing them that their conduct was under investigation. No one has been charged in conjunction with Mr. Clarke’s death. In its response to the request by OHCHR for updates on the case, the Government of the United Kingdom noted that it could still not comment on the case given that the aforementioned investigation remained ongoing. It provided information, including with regard to race, policing and communities, for example, on increasing diversity within police forces; focusing on prevention, support and accountability in the context of deaths in police custody; and police restraint and mental health. In its submission, the Government stated: “There is no evidence of racial disproportionality in the number of deaths in custody in the United Kingdom, or that an individual’s race or ethnicity impacts their likelihood of dying in or following police custody.”

30. Three further incidents were considered illustrative of the third common context in which police-related fatalities of people of African descent repeatedly occur, namely, larger scale police operations, often as part of the “war on drugs” and gang-related interventions.

31. With regard to the death of Breonna Taylor on 13 March 2020 in the United States, no police officer has been charged in conjunction with her death. An investigation by the Federal Bureau of Investigation to determine whether police officers had violated Ms. Taylor’s constitutional rights remained ongoing. In March 2022, a jury found a police officer not guilty of first-degree wanton endangerment for his actions during the raid of Ms. Taylor’s apartment, but not in conjunction with her death. In its response to the request by OHCHR for updates on the case, the Government of the United States indicated that the Department of Justice was unable to comment as the investigation remained ongoing. With regard to broader accountability and redress measures, the pattern-or-practice investigation of the Department of Justice into the Louisville-Jefferson County Metro Government and the Louisville Metro Police Department has not yet concluded and no information on the status of the investigation is available publicly. No further progress was noted regarding the proposed “justice for Breonna Taylor act”, which would prohibit “no knock” warrants at the federal level. The Government of the United States referred to recent initiatives by the Department of Justice, including restricting the use of no-knock warrants.

32. In relation to the death of João Pedro Matos Pinto on 18 May 2020 in Brazil, on 11 February 2022, three police officers were indicted on two counts of qualified homicide and procedural fraud regarding alleged tampering with the crime scene and will face trial by jury. A judge ordered their suspension from the exercise of their public functions while criminal proceedings are ongoing, and banned contact with witnesses and their families and access to any unit of the civil police of Rio de Janeiro. However, following an appeal against the ruling,

the police officers were authorized to undertake only administrative functions. In December 2021, the office of the public prosecutor reportedly announced that it had opened an investigation into the alleged tampering with the crime scene by two additional officers. Information regarding the federal investigation was not publicly available. On 21 June 2022, the State of Rio de Janeiro appealed against an urgent provisional decision dated 31 May 2022, in which a civil court had ruled in favour of the family's claim for compensation. In its response to the request by OHCHR for updates on the case, the Government of Brazil provided information on the status of the case and broader measures (see para. 28 above).

33. In the case of the death of Janner (Hanner) García Palomino on 20 April 2020 in Colombia, the criminal investigation into the alleged homicide by the Attorney-General's Office remained ongoing. No one has yet been charged for Mr. García Palomino's death. A civil claim lodged by the family was also ongoing. In its response to the request by OHCHR for updates on the case, the Government of Colombia provided an update on the status of the investigation, noting that 24 investigative actions had been conducted to date.

34. In addition to these updates, submissions highlighted recent allegations of discriminatory treatment, unlawful deportations, excessive use of force and deaths of African migrants and migrants of African descent (including refugees and asylum-seekers) at the hands of law enforcement officials, including those engaged in migration and border governance, in different countries.⁵⁴ United Nations entities called attention to human rights considerations regarding African nationals fleeing Ukraine during the outbreak of conflict,⁵⁵ African migrants and migrants of African descent in the Americas⁵⁶ and at multiple entry points at land and sea borders, within and beyond the European Union,⁵⁷ and regarding digital technologies.⁵⁸

35. Reports and submissions indicated that racial profiling of people of African descent, including for stops-and-searches, continued to be practised in numerous countries,⁵⁹

⁵⁴ Submissions by the Office of the Public Defender of the Nation (Argentina), Human Rights Watch, the Platform for International Cooperation on Undocumented Migrants, and the European Commission against Racism and Intolerance, and a joint submission by Centre de Réflexion et de Recherche sur la Migration et l'Environnement, Freedom Imaginaries, the Haitian Bridge Alliance, the Haiti Support Group (Guyana), Nègès Mawon and Nou Pap Dòmi. See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/319.asp and <https://www.enar-eu.org/the-sharp-edge-of-violence-police-brutality-and-community-resistance-of-racialised-groups/>.

⁵⁵ See <https://www.ohchr.org/en/statements/2022/03/ukraine-high-commissioner-cites-new-and-dangerous-threats-human-rights>, <https://news.un.org/en/story/2022/03/114282>, <https://www.ohchr.org/en/press-releases/2022/03/ukraine-un-expert-condemns-racist-threats-xenophobia-border?msclkid=b4d49f05d13a11ecb0e3d3196dad8d0c>, <https://www.ohchr.org/sites/default/files/2022-03/Statement-racial-discrimination-against-persons-conflict-Ukraine.pdf?symbolno=INT%2fCERD%2fSWA%2f9532&Lang=en> and <https://www.iom.int/news/discrimination-and-racism-against-third-country-nationals-fleeing-ukraine-must-end-iom-director-general>.

⁵⁶ See <https://www.unhcr.org/news/press/2021/9/6155964b4/un-agencies-call-protection-measures-comprehensive-regional-approach-haitians.html>; communication USA 27/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26711>; and communication BRA 3/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27095>.

⁵⁷ See <https://www.ohchr.org/en/press-releases/2022/06/un-committee-urges-prompt-investigation-deaths-migrants-moroccan-spanish>, [A/HRC/48/76](#) and <https://www.ohchr.org/en/press-briefing-notes/2022/06/migrants-morocco-spain-and-united-states>.

⁵⁸ See [A/HRC/48/76](#).

⁵⁹ See the submissions by Civil Rights Defenders, the Centre on Drug Policy Evaluation and the HIV Legal Network; and https://www.enar-eu.org/wp-content/uploads/enar_report_-_the_sharp_edge_of_violence-2.pdf.

including Chile,⁶⁰ Portugal⁶¹ and Switzerland.⁶² In 2021, the French National Advisory Committee on Human Rights called for a “redefinition of the procedures for identity checks by means of a more precise legal framework and better traceability”, recalling survey findings from 2017 of disproportionate police stops.⁶³ Concerns were voiced regarding developments that risked exacerbating discriminatory outcomes for people of African descent through expanded stop-and-search powers in the United Kingdom,⁶⁴ and the use of facial recognition technology in New York City, United States.⁶⁵

36. Reports also pointed to the disproportionate impact of the death penalty, punitive drug policies, arrests, overrepresentation in prisons and other aspects of the criminal justice system on people of African descent in different countries.⁶⁶ In Canada, for example, there were growing calls for decriminalization, notably of simple drug possession, including to address racial disparities in drug policy enforcement.⁶⁷ In the United States, concerns were raised that “many cases of those who faced the death penalty in 2021 were also affected by concerns of racial discrimination and bias”.⁶⁸ In some countries, concerning practices of strip searches of people of African descent by law enforcement officials were also highlighted.⁶⁹ According to data from a report of the Metropolitan Police Service in the United Kingdom between 2019 and 2021, 5,279 children were strip searched by the force, and 75 per cent were from a “Black, Asian or minority ethnic background”.⁷⁰

37. Reports signalled that policing methods and practices with disproportionate outcomes risked undermining legitimacy and trust in police forces.⁷¹ Use of racist, misogynistic and disrespectful language by law enforcement officials was reported in several countries, including in social media groups comprised of such officials.⁷² Adverse mental health

⁶⁰ See [CERD/C/CHL/CO/22-23](https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent).

⁶¹ See <https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent>.

⁶² See <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent> and the submission by Carrefour de Réflexion et d’Action contre le Racisme Anti-Noir.

⁶³ See <https://www.cncdh.fr/sites/default/files/2022-05/Essentiels%20Report%20on%20racism%202020%20-%20EN.pdf>.

⁶⁴ See <https://www.libertyhumanrights.org.uk/issue/liberty-responds-to-priti-patel-lifting-restrictions-on-stop-and-search/>, <https://www.fairtrials.org/articles/news/policing-bill-becomes-law/> and <https://www.amnesty.org/en/location/europe-and-central-asia/united-kingdom/report-united-kingdom/>. See also <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021>.

⁶⁵ See <https://www.amnesty.org/en/latest/news/2022/02/usa-facial-recognition-technology-reinforcing-racist-stop-and-frisk-policing-in-new-york-new-research/>.

⁶⁶ See the joint submission by Harm Reduction International and Release; submissions by Carrefour de Réflexion et d’Action contre le Racisme Anti-Noir, Diáspora Africana de la Argentina, the International Decade for People of African Descent Assembly – Guyana and UNESCO; [A/HRC/48/29](https://www.ohchr.org/en/statements/2022/06/end-war-drugs-and-promote-policies-rooted-human-rights-un-experts); <https://www.ohchr.org/en/statements/2022/06/end-war-drugs-and-promote-policies-rooted-human-rights-un-experts>; <https://fairandjustprosecution.org/wp-content/uploads/2022/02/FJP-Death-Penalty-Joint-Statement-2022.pdf>; and https://bchumanrights.ca/wp-content/uploads/BCOHRC_Nov2021_SCORPA_Equity-is-safer.pdf.

⁶⁷ See the joint submission by the Centre on Drug Policy Evaluation and the HIV Legal Network, and <https://www.drugpolicy.ca/wp-content/uploads/2021/12/EN-RLS-Decrim-Platform-2.pdf>.

⁶⁸ See <https://www.amnesty.org/en/wp-content/uploads/2022/05/ACT5054182022ENGLISH.pdf>. See also https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/307.asp.

⁶⁹ See <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent> and the submission by the Norwegian Center of Antiracism.

⁷⁰ See <https://commonslibrary.parliament.uk/child-q-and-the-law-on-strip-search/>. See also <https://chscp.org.uk/wp-content/uploads/2022/03/Child-Q-PUBLISHED-14-March-22.pdf>.

⁷¹ See https://bchumanrights.ca/wp-content/uploads/BCOHRC_Nov2021_SCORPA_Equity-is-safer.pdf, <https://rm.coe.int/ecri-2021-annual-report-24052021-en/1680a6a6d3>, <https://policeconduct.gov.uk/news/iopc-report-flags-concerns-about-police-use-taser> and <https://www.tps.ca/media-centre/stories/race-based-data-shows-over-policing/>.

⁷² See the submissions by the Global Afrikan Congress uk and the Southern Poverty Law Center; the joint submission by Consultoría para Derechos Humanos y Desplazamiento/Proceso de Comunidades

impacts from common and pervasive exposure to racial discrimination, including following encounters with police, such as stops-and-searches and where force is used, were highlighted.⁷³

Promising initiatives

38. In addition to the initiatives noted above, States in different regions adopted laws, policies and other measures seeking to address racism in law enforcement and the criminal justice system. Courts in several jurisdictions also rendered relevant decisions.⁷⁴

39. In Canada, for example, in December 2021 the Prime Minister tasked the Minister of Justice and Attorney-General to “address systemic discrimination and the overrepresentation of Black and racialized Canadians and Indigenous Peoples in the criminal justice system”, mandating the development of a “Black Canadians Justice Strategy”.⁷⁵ In June 2022, in the Netherlands, police authorities appointed a national coordinator for the fight against racism and discrimination within the police.⁷⁶

40. In February 2022, in Brazil, the Supreme Federal Tribunal instructed the State of Rio de Janeiro to prepare a plan to reduce use of lethal force by State agents to specific extreme situations, referring to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁷⁷ In April 2022, the Superior Court of Justice of Brazil clarified the level of justifications and evidence that police must provide for a stop-and-search to be considered lawful, stating that it was partly in order to avoid the repetition of practices that reproduced structural prejudices rooted in society, as was the case of racial profiling, which was a direct reflection of structural racism.⁷⁸ In January 2022, in Germany, the administrative court of Dresden ruled that a stop-and-search of a Guinean man was unlawful and that the colour of the plaintiff’s skin was at least partly the cause of the decision to subject him to questioning and control.⁷⁹

41. National oversight bodies initiated relevant research and evaluations. In January 2022, the Swedish Police Authority reportedly commissioned the Swedish National Council for Crime Prevention to evaluate the use of ethnic profiling by police.⁸⁰ In the United Kingdom, the Independent Office for Police Conduct identified race discrimination as a focus area “seeking to expose and challenge race discrimination and racial disparities where they exist in policing ... and hold forces to account for changing policing practice”.⁸¹

42. Collectives of family members were at the forefront of advocating for reforms and formulating recommendations to advance accountability, such as for authorities to develop guidelines for supporting families after fatal police shootings, based on the lived experiences

Negras and Instituto Internacional sobre Raza, Igualdad y Derechos Humanos; https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf; <https://www.enar-eu.org/the-sharp-edge-of-violence-police-brutality-and-community-resistance-of-racialised-groups/>; and <https://www.policeconduct.gov.uk/news/iopc-recommendations-tackle-met-culture-after-investigation-uncovers-bullying-and-harassment>.

⁷³ Submission by the American Psychological Association.

⁷⁴ See, for example, submissions by Brazil, Ecuador, Portugal and Civil Rights Defenders; and <https://www.college.police.uk/support-forces/diversity-and-inclusion/action-plan>.

⁷⁵ See <https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-justice-and-attorney-general-canada-mandate-letter>.

⁷⁶ See <https://www.politie.nl/nieuws/2022/juni/8/00-altijd-sanctie-voor-racistische-politiemedewerker.html> (in Dutch).

⁷⁷ See <https://portal.stf.jus.br/processos/downloadPeca.asp?id=15351553094&ext=.pdf> (in Portuguese).

⁷⁸ See <https://www.stj.jus.br/sites/porta/p/Paginas/Comunicacao/Noticias/20042022-Revista-pessoal-baseada-em-%E2%80%9Catitude-suspeita%E2%80%9D-e-ilegal--decide-Sexta-Turma.aspx> (in Portuguese).

⁷⁹ See <https://www.justiz.sachsen.de/vgdd/verfassungswidrige-personenkontrolle-4417.html> (in German).

⁸⁰ Submission by Civil Rights Defenders.

⁸¹ See <https://policeconduct.gov.uk/news/update-iopc-race-discrimination-work>.

of directly affected families.⁸² An international association of Black and ethnic minority forensic pathologists formed an online group to share information, including regarding the impact of racial discrimination on such investigations.⁸³

43. In July 2021, the Human Rights Council established an international independent expert mechanism, comprising three experts, to further transformative change for racial justice and equality in the context of law enforcement globally and to contribute to accountability and redress for victims,⁸⁴ in response to calls from non-governmental organizations and families of victims and a recommendation by the United Nations High Commissioner for Human Rights.⁸⁵

C. Ensuring that the voices of people of African descent and those who stand up against racism are heard and their concerns are acted upon

Developments

44. OHCHR has highlighted the situation of human rights defenders of African descent. In Colombia, for example, in the context of growing violence by non-State armed groups, nine human rights defenders of African descent were killed in 2021, according to findings of OHCHR,⁸⁶ while others were at risk.⁸⁷ In Honduras, from January 2021 to May 2022, 76 Afro-Honduran human rights defenders and journalists were victims of attacks, ranging from threats, harassment and criminal charges to assassinations, according to findings of OHCHR.

45. In Brazil, allegations of incidents of political and electoral violence against Afro-Brazilian women, particularly transgender Afro-Brazilian women, were reported;⁸⁸ and some groups reported challenges when forming associations and acting in networks.⁸⁹ In the United States, the Minnesota Department of Human Rights found that Minneapolis Police Department officers used “covert social media to surveil Black individuals and Black organizations, unrelated to criminal activity”.⁹⁰ Governmental protection mechanisms, in countries where they exist, sometimes failed to provide adequate security for people of African descent under threat.⁹¹

46. During consultations, human rights defenders of African descent in Europe and Latin America highlighted contextual factors of systemic racism against people of African descent; exclusion, marginalization and inadequate representation; and racial stereotyping rooted in centuries of structural discrimination, racism, misogyny and supremacist ideologies. They also cited corruption, impunity and the lack of visibility of people of African descent, partly due to a lack of data disaggregated by race or ethnic origin. Some explained risks from State and non-State actors, including companies, while others referenced insecurity, shrinking

⁸² Submission by Mothers Against Police Brutality and joint submission by the International Service for Human Rights and Comité Vérité et Justice pour Adama.

⁸³ See [A/HRC/50/34](#).

⁸⁴ See Human Rights Council resolution 47/21 and <https://www.ohchr.org/en/hrc-subidiaries/expert-mechanism-racial-justice-law-enforcement>.

⁸⁵ See <https://www.aclu.org/press-releases/families-victims-police-violence-aclu-organizations-call-un-inquiry-police-violence> and [A/HRC/47/53](#).

⁸⁶ See [A/HRC/49/19](#).

⁸⁷ See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/005.asp and https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/270.asp.

⁸⁸ See communication BRA 11/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26742>.

⁸⁹ See <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.

⁹⁰ See

https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf. See also the submissions by the Southern Poverty Law Center and the University of Minnesota.

⁹¹ See communication BRA 11/2021, [A/HRC/49/19](#) and <https://www.ohchr.org/sites/default/files/2022-05/OMP-2022-2023.pdf>.

civic space, and online abuse and harassment. It was noted that women at the intersections of race, religion, nationality and disability faced heightened difficulties.

47. As for the right to participate in public affairs, consultations highlighted the limited involvement of people of African descent in the design, implementation and evaluation of laws, policies, programmes and processes, including those that affected them, and the impact of their underrepresentation in State institutions and other sectors. Barriers to participation, including in political life, were noted, such as difficulties in penetrating political parties and insufficient financial support for campaigns. During consultations, participants described their work to enhance civic engagement, including voter awareness and participation, and noted that participatory processes, where in place, were often not well known and had sometimes been rushed with negative outcomes. In other instances, low levels of participation were linked to mistrust following repeated individual or collective experiences of having their voices discounted or ignored. Living conditions and poverty or hardship, and insufficient efforts to ensure accessible processes, notably by providing relevant material in multiple languages, were also cited.

48. Some organizations led by people of African descent continued to report insufficient access to predictable and sustainable sources of funding, including from government sources, and inadequate human resources, impeding their ability to work effectively.⁹² Other challenges included limited access to information and relevant authorities; policies restricting participation; limited spaces for consultation on public policies and decision-making;⁹³ and insufficient use of special measures.⁹⁴

49. There were reports of restrictions to peaceful assembly,⁹⁵ and concerns were raised that people of African descent might be particularly vulnerable to unlawful police force while taking part in protests.⁹⁶ In Colombia, for example, OHCHR raised concerns about the handling of protests in mid-2021, many of which took place in cities with sizeable populations of people of African descent and were focused on economic and social inequalities and racial discrimination. OHCHR documented numerous instances of unnecessary or disproportionate use of force by police officers in these cities, including those leading to deaths of people of African descent, and referred to reports by non-governmental organizations regarding cases of beatings and humiliation of women of African descent.⁹⁷ The Inter-American Commission for Human Rights showed similar findings, highlighting racial and structural discrimination rooted in historical patterns of violence dating back to the period of enslavement.⁹⁸

Promising initiatives

50. Despite these challenges, people of African descent and their organizations continued to play a leading role in the fight against racism. For example, in the United States, the group Mothers Against Police Brutality established a legacy fellowship programme to train mothers who have lost a child at the hands of law enforcement to engage effectively with policymakers, law enforcement agencies and the media, to organize their communities and

⁹² See <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent> and the submission by Carrefour de Réflexion et d'Action contre le Racisme Anti-Noir.

⁹³ See <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society> and [E/C.12/NIC/CO/5](#).

⁹⁴ See, for example, [CERD/C/CHL/CO/22-23](#).

⁹⁵ See, for example, <https://www.amnesty.org.uk/press-releases/uk-dark-day-civil-liberties-deeply-authoritarian-policing-bill-passed-lords>.

⁹⁶ See [A/HRC/50/42](#).

⁹⁷ See <https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/> (in Spanish) and the joint submission by Consultoría para Derechos Humanos y Desplazamiento, Proceso de Comunidades Negras, Instituto Internacional sobre Raza, Igualdad y Derechos Humanos and Ilex Acción Jurídica.

⁹⁸ See https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf.

to build coalitions, with a view to sustaining an organized constituency that can influence change.⁹⁹

51. In October 2021, in Brazil, the municipality of Nova Iguaçu, Rio de Janeiro, published a human rights plan with actions on data collection, including on police violence; the creation of a psychosocial and legal support group and a municipal fund for families of victims of State violence, homicides and enforced disappearances; and the development of a public policy for redress for victims and their families.¹⁰⁰ In December 2021, the municipality launched a municipal service center for victims of State violence and their families.¹⁰¹

52. Some institutions have engaged in consultative processes with communities of African descent. For example, in Argentina, submissions highlighted that authorities had convened the national meeting of the Afro-Argentine community in November 2021, where representatives of communities of African descent developed proposals for a framework to elaborate public policies.¹⁰² In Canada, the provincial government of British Columbia launched a multilingual online public survey, organized engagement sessions with communities of racial and ethnic minorities to inform the development of an anti-racism data act, and funded community groups to host their own community engagement sessions.¹⁰³ In Mexico, the National Institute of Indigenous Peoples held regional consultations in the context of the elaboration of the Indigenous Peoples National Program, which includes Afro-Mexican peoples.¹⁰⁴ Additionally, the Supreme Court of Justice of the Nation convened consultations with people of African descent regarding protocols for the judiciary to consider the specificities of groups in vulnerable situations and applicable legal standards, including a protocol on people of African descent.¹⁰⁵

53. In Switzerland, the Canton of Geneva consulted with people of African descent to inform its anti-racism activities.¹⁰⁶ In the United States, the Minnesota Department of Human Rights announced its intention to develop a consent decree to address racial discrimination in policing in Minneapolis, informed by meetings with various stakeholders, including community members.¹⁰⁷

D. Confronting legacies, including through accountability and redress

Developments and promising initiatives

54. OHCHR received information about State, regional and local measures to advance truth-seeking and various forms of reparations for harms suffered due to enslavement, the transatlantic trade in enslaved Africans, colonialism and successive racially discriminatory policies and systems.¹⁰⁸

55. In June 2022, while in the Democratic Republic of the Congo, the King of Belgium reiterated his regret for the “wounds of the past” caused by the colonization by Belgium of

⁹⁹ Submission by Mothers Against Police Brutality. See also the submission by the University of Minnesota.

¹⁰⁰ See <http://www.novaiguacu.rj.gov.br/semas/wp-content/uploads/sites/7/2021/11/pmdh-nova-iguacu-livro-completo-1.pdf> (in Portuguese).

¹⁰¹ See <http://www.novaiguacu.rj.gov.br/semas/2021/12/10/nova-iguacu-lanca-projeto-de-acolhimento-a-vitimas-de-violencia-e-seus-familiares> (in Portuguese).

¹⁰² Submissions by the Office of the Public Defender of the Nation (Argentina) and *Diáspora Africana de la Argentina*.

¹⁰³ See <https://engage.gov.bc.ca/antiracism/process/>. See also para. 14 of the present report.

¹⁰⁴ See the submission by Mexico and <https://www.gob.mx/cms/uploads/attachment/file/423227/Programa-Nacional-de-los-Pueblos-Indigenas-2018-2024.pdf> (in Spanish).

¹⁰⁵ Submission by Mexico.

¹⁰⁶ See [CERD/C/CHE/CO/10-12](https://www.ohchr.org/en/statements/2022/01/statement-media-uk-2022-01-12) and <https://www.ohchr.org/en/statements/2022/01/statement-media-uk-2022-01-12> and <https://www.ohchr.org/en/statements/2022/01/statement-media-uk-2022-01-12> (United Nations Working Group of Experts on People of African Descent).

¹⁰⁷ See para. 26 of the present report.

¹⁰⁸ See, for example, the submission by the Samuel DeWitt Proctor Conference.

the country,¹⁰⁹ and handed over one of thousands of artefacts taken during the colonial era.¹¹⁰ In October 2021, experts appointed to bring to light the colonial past of Belgium submitted their report to a parliamentary commission.¹¹¹ In February 2022, a working group charged with studying colonial symbols in public spaces in the Brussels Capital Region recommended participatory and inclusive processes for the transformation of public spaces, and recognition of the legitimacy of contesting colonial monuments.¹¹² Initiatives in other States also examined public spaces with links to enslavement, the transatlantic trade in enslaved Africans and colonialism.¹¹³

56. In Colombia, the Commission for the Clarification of Truth, Coexistence and Non-Repetition raised awareness of the true experiences of Afro-Colombians, held recognition forums and hearings, and carried out coexistence initiatives.¹¹⁴ In Denmark, in April 2022, a government-appointed reference group submitted its report to the Ministry of Culture on steps to strengthen dissemination of knowledge about Danish colonial history.¹¹⁵

57. Mauritius provided information on responses to recommendations by the Truth and Justice Commission from 2011.¹¹⁶ In July 2021, in the Netherlands, the government-appointed advisory board dialogue group on the history of slavery advised the State to proceed with recognition, apologies, memorialization and restoration, and research and training initiatives, and to fight against discrimination and institutional racism.¹¹⁷ The Mayor of Amsterdam apologized for the involvement of the city's authorities in the trade in enslaved Africans and enslavement.¹¹⁸ Sweden initiated a process to increase knowledge about its role in the transatlantic trade and enslavement of Africans.¹¹⁹

58. In the United States, in May 2022, a Tulsa County District judge ruled that three living survivors of the 1921 Tulsa massacre could proceed with a public nuisance lawsuit seeking financial and other reparations.¹²⁰ In June 2022, the taskforce on reparations of the State of California recommended a comprehensive reparations scheme and an office to work to eliminate systemic racism resulting from enslavement, and educational, environmental, housing, policing and voting policy reforms.¹²¹ In the federal House of Representatives, however, bill HR 40, seeking to establish a commission to study and develop reparation

¹⁰⁹ See <https://www.monarchie.be/fr/agenda/discours-de-sa-majeste-le-roi-esplanade-du-palais-du-peuple-kinshasa> (in French).

¹¹⁰ See <https://www.bbc.com/afrique/region-61737962>.

¹¹¹ See <https://www.lachambre.be/flwb/pdf/55/1462/55K1462002.pdf> and <https://www.lachambre.be/kvvcr/showpage.cfm?language=fr§ion=/pri/congo&story=commission.xml>.

¹¹² See <https://cloud.urban.brussels/s/xbpfRfn82trTGmE>.

¹¹³ See the submission by Carrefour de Réflexion et d'Action contre le Racisme Anti-Noir, <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent>, <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf> and https://www.bristol.gov.uk/documents/20182/5147235/History_Commission_Full_Report_Final.pdf/cd6f803-13e0-8827-e1a6-059d5d490dec?t=1643895879630.

¹¹⁴ See [A/HRC/49/19](#).

¹¹⁵ See [CERD/C/DNK/CO/22-24](#); and <https://www.historie-online.dk/nyheder-og-aktiviteter-2-2/formidling-af-kolonihistorie> (in Danish).

¹¹⁶ Submission by Mauritius.

¹¹⁷ See <https://www.rijksoverheid.nl/ministeries/ministerie-van-binnenlandse-zaken-en-koninkrijksrelaties/documenten/rapporten/2021/07/01/adviescollege-dialoggroep-slavernijverleden-presenteert-eindrapport-ketenen-van-het-verleden> (in Dutch).

¹¹⁸ See <https://www.bbc.com/news/world-europe-57680209>.

¹¹⁹ See https://fra.europa.eu/sites/default/files/fra_uploads/fundamental_rights_report_2022_sweden.pdf.

¹²⁰ See <https://apnews.com/article/lawsuits-race-and-ethnicity-tulsa-oklahoma-massacres-cba8eb3e1d613afa080b0bbbaa7f526>.

¹²¹ See <https://oag.ca.gov/ab3121/reports>, the submission by the Samuel DeWitt Proctor Conference, <https://www.providenceri.gov/mayor-elorza-joins-african-american-ambassador-group-coalition-of-partners-to-unveil-reconciliation-framework/>, <https://moremayors.org/>, <https://edition.cnn.com/2021/11/11/politics/reparations-movement-race-deconstructed-newsletter/index.html> and <https://gothamist.com/news/newark-city-council-urges-support-state-task-force-reparations>.

proposals for African Americans, has not moved forward since its introduction in April 2021.¹²²

59. Some business enterprises took steps to assess their links to enslavement and colonialism. Further to a study identifying De Nederlandsche Bank's involvement in the "slavery-based production chain",¹²³ the bank expressed regret and disclosed and acknowledged its links to enslavement, triggering a process of reflection and dialogue, including measures to address its past.¹²⁴ Following a news report that Crédit Industriel et Commercial had transferred fees and interest from the treasury of Haiti to France when it managed the National Bank of Haiti, the parent company of Crédit Industriel et Commercial committed to financing independent university research to shine light on that past.¹²⁵

60. Universities and religious establishments also undertook initiatives.¹²⁶

61. United Nations human rights mechanisms recommended that States confront past legacies.¹²⁷ The Human Rights Council decided to convene a panel discussion at its fifty-first session to identify challenges and ways forward to address the negative impact of the legacies of colonialism on human rights.¹²⁸

III. Implementation of other aspects of Human Rights Council resolution 47/21

62. In July 2021, the report and agenda towards transformative change for racial justice and equality were disseminated, along with feature stories and videos of family members of individuals who had died during or after interactions with law enforcement officials.¹²⁹ To give further visibility to this work,¹³⁰ the agenda towards transformative change for racial justice and equality and the conference room paper were made available in various languages.¹³¹ OHCHR held eight virtual consultations to inform families and others consulted during the preparation of the 2021 report of follow-up action and to seek their views, including about the way forward. This continued approach of active listening to and interactive dialogue with people of African descent enabled OHCHR to continue to centre their voices and lived experiences, as well as to build connections and solidarity between activists in different countries. OHCHR also raised awareness about and sought to advance the implementation of the agenda towards transformative change for racial justice and equality with States and others.¹³²

¹²² See <https://www.congress.gov/bill/117th-congress/house-bill/40/actions?q=%7B%22search%22%3A%5B%22HR40%22%2C%22HR40%22%5D%7D&r=1&s=1>.

¹²³ See <https://www.dnb.nl/media/ilvj1w4q/serving-the-chain.pdf>.

¹²⁴ See <https://www.dnb.nl/en/about-us/dnb-s-links-to-slavery/>.

¹²⁵ See <https://www.nytimes.com/2022/05/23/world/americas/haiti-cic-french-bank.html> and https://www.cic.fr/partage/fr/CC/telechargements/communiqués-de-presse/2022/2022_05_23_CP_CIC_declaration_enquete_NYT.pdf (in French).

¹²⁶ See <https://legacyofslavery.harvard.edu/> and <https://www.churchofengland.org/media-and-news/press-releases/archbishops-commission-racial-justice-releases-first-biannual-report>.

¹²⁷ See [CERD/C/NLD/CO/22-24](#); [CERD/C/DNK/CO/22-24](#); <https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent> and <https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent>.

¹²⁸ Human Rights Council resolution 48/7.

¹²⁹ See <https://www.ohchr.org/en/racism/agenda-towards-transformative-change-racial-justice-and-equality>.

¹³⁰ See Human Rights Council resolution 47/21.

¹³¹ See <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>.

¹³² See, for example, <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear?LangID=E&NewsID=28225>, <https://www.antiracism-eusummit2022.eu/>, <https://www.geneva-academy.ch/joomlatools-files/docman-files/Systemic%20Racism%20Thematic%20Session1.pdf>,

63. Regarding dismantling systemic racism, OHCHR supported the participation of activists using advanced data analysis techniques and working with communities of African descent to analyse raw data on police complaints, and national statisticians and activists of African descent working to include people of African descent in censuses, during the fifty-third session of the Statistical Commission.¹³³ In January 2022, the Secretary-General launched the strategic action plan on addressing racism and promoting dignity for all in the United Nations Secretariat.

64. Regarding law enforcement and the criminal justice system, in partnership with the United Nations Office on Drugs and Crime, OHCHR organized a high-level event on the margins of the thirty-first session of the Commission on Crime Prevention and Criminal Justice.¹³⁴ At the national level, OHCHR convened meetings with State and non-State actors in Brazil on the agenda towards transformative change for racial justice and equality. In 2022, OHCHR has provided assistance to networks of women human rights defenders in Brazil, especially those whose family members had died at the hands of law enforcement.

65. To bolster the global constituency fighting for racial justice and equality, the OHCHR fellowship programme for people of African descent continued to strengthen the capacities of people of African descent to engage with the United Nations system and to advance human rights in their countries.¹³⁵ On the International Day for the Elimination of Racial Discrimination in 2022, OHCHR recognized, during a panel event on the theme “Voices for action against racism”, those who stand up against racism and the challenges they faced.¹³⁶ On International Women’s Day in 2022, OHCHR highlighted the work of women human rights defenders of African descent on protection of the environment.¹³⁷ Moreover, OHCHR ensured that civil society representatives of African descent were represented in its events.¹³⁸

66. Regarding confronting past legacies in Colombia,¹³⁹ for example, OHCHR supported the Commission for the Clarification of Truth, Coexistence and Non-Repetition to gather information from communities, including of African descent, and supported women of African descent to present their cases to the Commission. For the twentieth anniversary of the Durban Declaration and Programme of Action, the General Assembly convened a high-level meeting on the theme “Reparations, racial justice and equality for people of African descent”, with support from OHCHR.¹⁴⁰

<https://www.ohchr.org/en/statements/2022/05/addressing-and-responding-racial-discrimination-criminal-justice-system>;

https://www.unodc.org/res/commissions/CND/session/65_Session_2022/fri_18_march_side-event_html/Flyer_side_event_CND_65.pdf;

https://www.unodc.org/unodc/en/commissions/CND/session/65_Session_2022/fri_18_march_side-event.html; <https://www.ohchr.org/en/minorities/un-network-racial-discrimination-and-protection-minorities>; and the submissions by UNESCO and UNODC.

¹³³ See <https://www.youtube.com/watch?v=mO96SOUfiNk> and

https://www.ohchr.org/sites/default/files/2022-02/Concept_Note.pdf.

¹³⁴ See <https://www.ohchr.org/en/stories/2022/05/hc-we-cannot-sit-and-continue-watch-history-repeat-itself>.

¹³⁵ See <https://www.ohchr.org/en/about-us/fellowship-programmes/fellowship-programme-people-african-descent>.

¹³⁶ See https://www.un.org/sites/un2.un.org/files/cn_hrc_49_iderd_2022-03-10.pdf.

¹³⁷ See, for example, <https://www.youtube.com/watch?v=NJC7QaY3TVM&list=PLYUVFvBU-locpirEvDnhlAWIGXvm4o6k5&index=2>; and

<https://www.youtube.com/watch?v=hpXyHft9zfU&list=PLYUVFvBU-locpirEvDnhlAWIGXvm4o6k5&index=3>. See also <https://www.ohchr.org/en/stories/2021/09/people-african-descent-honduras-advocating-justice-and-inspiring-change>.

¹³⁸ See, for example, <https://www.ohchr.org/EN/HRBodies/HRC/Democracy/Pages/Session3.aspx>; and <https://hybrid.fundamentalrightsforum.eu/Programme?session=c2Vzc2lrbjo5NzgyMw%3D%3D>.

¹³⁹ See also [A/76/180](#).

¹⁴⁰ See <https://www.ohchr.org/en/racism/fighting-racism-20-years-adoption-durban-declaration-and-programme-action>.

IV. Conclusions and recommendations

67. Pursuant to Human Rights Council resolution 47/21 and building on the previous report of the High Commissioner and the accompanying conference room paper, the present report contains information on local, national, regional and international initiatives seeking to address various manifestations of systemic racism, including in law enforcement, and to advance racial justice and equality. The report also contains an illustrative overview of the types of responses that States and others have undertaken, often in response to demands of people of African descent and their organizations. These responses reflect a willingness to take concrete steps to address racial discrimination endured by Africans and people of African descent, despite complex national contexts, setbacks arising from the COVID-19 pandemic and other major global challenges.

68. Despite these initiatives, the need for comprehensive evidence-based approaches to address historic injustices and their contemporary manifestations is clearer than ever. Such holistic approaches must be grounded in intersectional and intergenerational analyses that address systemic racism, including structural and institutional factors, in State institutions, the private sector and societal structures across multiple interconnected areas. As such, they can serve as driving forces to reduce the inequalities and racial disparities faced by Africans and people of African descent in every sphere of life.

69. In the present report, the High Commissioner also describes progress towards accountability and redress in some of the seven illustrative cases described in depth in the 2021 report. Unfortunately, not a single case has yet been brought to a full conclusion, with families still seeking truth, justice and guarantees of non-repetition, and the prosecution and sanction of all those responsible. Aspects of the proceedings in each of these cases exemplify challenges that many families of African descent face when seeking accountability and redress for the deaths of their relatives during or after interactions with law enforcement.

70. The barometer for success in advancing racial justice and equality must be the lived experiences of people of African descent, both recounted by people of African descent themselves and through comprehensive official and other data disaggregated by race or ethnic origin, and other factors. States must therefore listen to people of African descent and their organizations, meaningfully involve them and act upon their concerns.

71. More broadly, States should step up implementation of the 20 actions contained in the agenda towards transformative change for racial justice and equality and demonstrate greater political will to accelerate action. If implemented as a complete package – alongside recommendations made by United Nations and regional human rights bodies, as well as the political commitments agreed upon in the Durban Declaration and Programme of Action – they would lead to concrete and lasting positive impacts on the enjoyment of the human rights of Africans and people of African descent globally.

72. We can only succeed in building back better towards a more resilient future of equality and non-discrimination, with human dignity and racial justice at its core, if States and all actors stand united and accelerate action in the fight against systemic racism against Africans and people of African descent and respond to demands for the realization of their rights.
