



General Assembly

Distr.: General
25 August 2021

Original: English

Seventy-sixth session

Item 73 (b) of the provisional agenda*

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

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

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Working Group of Experts on People of African Descent, in accordance with Assembly resolution [75/237](#).

* [A/76/150](#).



Report of the Working Group of Experts on People of African Descent on its twenty-sixth and twenty-seventh sessions.*.***

The urgency of now: systemic racism and the opportunities of 2021

Summary

In the present report, the Working Group of Experts on People of African Descent presents the summary of discussions held at its twenty-sixth and twenty-seventh sessions. During its twenty-seventh session, the Working Group discussed systemic racism and the lessons of 2020. It concluded that the year 2020 had shed light on the long-lasting systemic racism and structural discrimination that had historically placed people of African descent at a disadvantage and prevented them from fully enjoying their human rights. Urgent actions were needed to address racial disparities in health and to put an end to systemic racism in the areas of law enforcement and criminal justice. Tackling systemic racism could be achieved only through an honest assessment of the past, in particular of the consequences of the trade in enslaved Africans and of colonialism.

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

*** The annex containing the attendance list is available at https://ohchr.org/Documents/Issues/Racism/WGEAPD/Annex_A.76.Slot2431.pdf.

I. Introduction

1. The Working Group of Experts on People of African Descent held its twenty-sixth session from 23 to 25 November 2020 and its twenty-seventh session from 30 November to 3 December 2020. Owing to the coronavirus disease (COVID-19) pandemic, both sessions were virtual. During its twenty-sixth session, the Working Group held a private session, as well as a series of five regional consultations with civil society. The twenty-seventh session, on the theme “The urgency of now: systemic racism and the lessons of 2020”, included the participation of representatives of Member States, international and regional organizations, civil society and invited panellists (see annex).

2. The present report is submitted in accordance with General Assembly resolution [75/237](#), in which the Assembly invited the Human Rights Council, through the Chair of the Working Group, to submit a report on the work of the Working Group. Sections III and IV contain a summary of the proceedings of the twenty-seventh session. Section V highlights pressing human rights concerns of people of African descent identified through a consultative process. Section VI contains the Working Group’s conclusions and recommendations.

II. Activities undertaken by the Working Group

3. The Working Group presented a detailed update on activities undertaken during the reporting period in its report to the Human Rights Council at its forty-eighth session ([A/HRC/48/78](#)). The Working Group has the honour to draw the attention of the General Assembly to that document.

III. Organization of the twenty-seventh session

A. Opening of the session

4. In her opening statement, the Assistant Secretary-General for Human Rights called for urgent and collective action to effectively address systemic racism and racial discrimination, as well as the socioeconomic inequalities, exclusion, marginalization and injustice affecting people of African descent worldwide. She underlined the need for an honest assessment of the past to acknowledge and address the consequences of the transatlantic trade on Africans. She reaffirmed the commitment of the United Nations to fighting racism, as seen in the Secretary-General’s call to action for human rights, the United Nations Network on Racial Discrimination and Protection of Minorities and the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the implementation of Human Rights Council resolution [43/1](#). Noting that the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, the midterm review of the International Decade for People of African Descent and the 2030 Agenda for Sustainable Development offered platforms for centring racial equality and equity in global and national agendas, she called upon Member States to act on existing obligations to prohibit and eliminate racial discrimination and to prioritize resources and concrete actions to make this moment a critical turning point in the fulfilment of the human rights of people of African descent.

B. Election of the Chair-Rapporteur

5. Dominique Day was confirmed Chair-Rapporteur of the Working Group.

6. The outgoing Chair-Rapporteur, Ahmed Reid, thanked the other experts, Member States and civil society groups for their support during his tenure and welcomed the new Chair-Rapporteur.

7. Ms. Day commended the outgoing Chair-Rapporteur and expressed her gratitude for being entrusted with assuming the role at a moment that was critical to the mandate of the Working Group.

C. Organization of work

8. The Working Group adopted the agenda and programme of work for its twenty-seventh session.

IV. “The urgency of now: systemic racism and the lessons of 2020”: summary of deliberations

9. The Working Group devoted its twenty-seventh session, held in the form of four panel discussions, to the theme “The urgency of now: systemic racism and the lessons of 2020”. In advance of the session, the Working Group issued a thematic report on COVID-19, systemic racism and global protests ([A/HRC/45/44](#)), a real-time analysis of the COVID-19 pandemic, escalating law enforcement violence and the unique challenges faced by people of African descent. The report was presented to the Human Rights Council at its forty-fifth session.

10. The first panel discussion, on the theme “COVID-19 as catastrophe and catalyst”, began with the presentation by the Chair of the Working Group of the key findings from the Working Group’s thematic report. In the report, the Working Group questioned the impact of the COVID-19 pandemic, the expectation of police impunity, and escalating police violence as isolated occurrences. To the contrary, the report showed systematic interconnections and systemic racism. The overrepresentation of people of African descent among patients with chronic disease and essential workers was no more coincidental than the disproportionate enforcement by law enforcement agents of COVID-19 regulations and public order provisions against people of African descent and anti-racism protests. These legacies of years of systemic racism and oppression were rooted in colonialism and the trade and trafficking in enslaved Africans. She noted that the predominant view of the COVID-19 pandemic as a public health emergency affecting communities equally and indiscriminately was false. She discussed the Working Group’s alternative taxonomy of the twin pandemics, COVID-19 and concurrent escalations in police violence against people of African descent, as a means to acknowledge racial disparities and to open the space to meaningfully address racial injustice and systemic racism licensed in a moment of uncertainty, instability and global fear.

11. The Chief Executive Officer and founder of Advancing Health Equity, Uché Blackstock, discussed racialized health inequities in the United States of America as a symptom of deeply rooted racism and white supremacy. Noting that Black Americans had the shortest life expectancy and the highest infant and maternal mortality rates, she further discussed the factors explaining why Black communities had borne the greatest burden of deaths from COVID-19, including the disproportionate presence of essential workers of African descent and the community’s heavy reliance on public transportation, lack of access to testing and high-quality health-care services, and the higher chronic disease burden among people of African descent. Dr. Blackstock also raised concerns about evidence of implicit bias and negative attitudes towards Black patients among health workers, as well as about racist biases in algorithms used by health-care systems. She noted that

the chronic stress of living with daily racism had a demonstrable impact on life expectancy and health and enhanced the distrust of Black Americans for the health-care system. These manifestations of structural racism required structural change to address key social determinants of health, in particular access to safe and adequate housing, gainful employment, quality education, healthy food and health care.

12. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, spoke on structural racism as a fundamental cause of health disparities. She discussed the particular vulnerability of people of African descent to COVID-19 as a direct outcome of systems anchored in discriminatory practices that systematically distributed resources, power and opportunities along racial lines. Reducing structural health inequities required challenging systemic racism and the unequal distribution of power within society. She emphasized the importance of an intersectional approach to this endeavour. The Special Rapporteur recalled that the human right to the highest attainable standard of physical and mental health was inextricably linked to other human rights. She also raised specific concerns about the risk of racialized bias in emerging health technologies, highlighted the barriers faced by women of African descent in the enjoyment of their sexual and reproductive health rights and noted the high pollution exposure experienced by many people of African descent worldwide. With respect to the COVID-19 pandemic, she discussed the need for increased and equitable allocation of resources to health systems and States' obligations to ensure the safety, availability, accessibility and affordability of COVID-19 vaccines and treatments.

13. During the interactive dialogue, Mr. Reid highlighted that the impact of systemic racism on the health situation of people of African descent was historically rooted in the nutrition of and emotional distress experienced by enslaved Africans. In response to a question from a member of the Working Group, Ricardo A. Sunga III, Dr. Blackstock underlined the importance of including vulnerability criteria, such as race and ethnicity, in the roll-out of the COVID-19 vaccine to ensure its equitable distribution within and among countries. The Special Rapporteur on the right to health expressed concerns about the risk that some States would secure the vaccination for their own citizens, to the detriment of other States, in violation of their international obligations. In response to questions from Mr. Reid and the representative of Brazil on data collection, Dr. Blackstock affirmed that race should be systematically included in data collection on health. The Special Rapporteur added that data disaggregated by race were essential to inform health policies and financing. In response to a question from a member of the Working Group, Sabelo Gumedze, the Special Rapporteur recalled that travel restrictions and border controls should be free from racism and racial discrimination, in accordance with international human rights law.

14. The second panel focused on systemic racism and police violence. A researcher at Forensic Architecture, Imani Jacqueline Brown, presented the entity's findings on police brutality against Black Lives Matter protests in the United States. Between May and December 2020, over 1,000 incidents of violence and misconduct directed against Black Lives Matter activists by law enforcement agents were documented. She stressed that this oppressive response constituted a systemic and widespread pattern of behaviour that violated international basic principles and norms. She elaborated on the role of law enforcement and judicial institutions in perpetuating a culture of impunity and on the lack of accountability that made it impossible for victims to seek redress. She recommended that Member States take measures to cease the use of so-called less-than-lethal riot arms and called for the United States to commit to reparations for the legacy of racist oppression.

15. The Director of Programmes at AfroResistance, Ana Barreto, spoke on the human rights issues faced by people of African descent in Latin America and the Caribbean during the COVID-19 pandemic. She noted the sharp increase in attacks against community leaders and human rights defenders. She expressed concern at the increase of femicide, gender-based violence and “political femicide”, as well as at the advancement of laws and policies restricting access to reproductive justice services during the COVID-19 pandemic. In that regard, she recommended the establishment of multidisciplinary national and community-based bodies for the prevention of violence against women and girls. She also expressed concern about the situation of Black migrants at the borders of Panama and Colombia who were residing in camps with limited access to testing and public health services.

16. A civil rights attorney, Benjamin Crump, discussed the root causes of the excessive use of force by police officers against marginalized people of colour in the United States. He explained that the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery and other Black Americans were no coincidence, but the outcome of the long legacy of systemic racism and oppression that characterized the United States since 1619, the first year that enslaved Africans were brought to America. He added that implicit bias in law enforcement was evidenced by data showing that policing was disproportionately abusive against people of colour. For example, over 75 per cent of chokeholds executed by law enforcement officers were against men of colour. He noted that the global protests against racism, colourism and xenophobia that followed the killing of George Floyd were a driver of political and structural change. He welcomed the adoption of the George Floyd Justice and Police Act by the House of Representatives of the United States as a first step in acknowledging the historical legacy of systemic racism and oppression against people of colour.

17. During the interactive dialogue, in response to questions by Working Group members, Ms. Brown further elaborated on the legislative and policy measures to be put in place for preventing and combating police violence and brutality against people of African descent. She recommended that the United States Congress adopt legislation in accordance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. She argued that Member States should focus their efforts on addressing demands for reparation and restorative justice rather than on police reform, as the latter had proved to be insufficient for tackling racist bias in law enforcement. She added that financial and cognitive reparations should address the whole range of discrimination experienced by people of African descent, including environmental racism and racism in public health. Ms. Barreto noted that policy responses should give particular attention to vulnerable groups, such as children and domestic workers. The representatives of South Africa, the European Union, Brazil and Belgium presented measures taken in their respective countries to address racism and racial discrimination. Civil society representatives raised concerns about the deaths of Black people in police custody in the United Kingdom of Great Britain and Northern Ireland and the environmental racism experienced by Afro-Ecuadorians.

18. The third panel discussion addressed the root causes of systemic racism through remedies, reparations, accountability and justice. Ursula Doyle, Professor of Law at Northern Kentucky University, discussed the failure of the United Nations to address the Jim Crow laws and practices that prevailed in the United States between 1877 and 1965. In direct contradiction of the human rights principles in the Charter of the United Nations, the Jim Crow era was characterized by segregated public facilities, barriers to voting, forced displacement, land theft, debt peonage, convict leasing, “vagrancy” prohibitions, rape, torture and lynching. She demonstrated that the United Nations bodies failed to act in support of the claims raised by African Americans. Despite the fact that the General Assembly, the Security Council, the Economic and

Social Council and the International Court of Justice all possessed the capacity to address State-specific practices of racial discrimination and segregation, as exemplified by the United Nations response to apartheid in South Africa, they systematically refrained from exerting their power to condemn the Jim Crow laws and practices.

19. The Coordinator of the Slave Route Project: Resistance, Liberty, Heritage, of the United Nations Educational, Scientific and Cultural Organization, Tabue Nguma, discussed reparations in relation to history. He explained that repairing centuries of denial of the humanity and history of people of African descent and their contributions to the progress of humanity should begin with the writing of an objective history freed from prejudices. He further stressed the importance of understanding and acknowledging that the consequences of slavery continued to structure the present through racism. Thus, ending structural racism and offering everyone, whatever their skin colour, fair treatment in all areas of life was a prerequisite for “healing” the present and engaging collectively towards a better future. He added that racism, which always expressed itself through hatred, violence, destruction and injustices, was affecting everyone, not only Africans and people of African descent. For this reason, eradicating racism was an imperative for all in their collective endeavour to become dignified human beings.

20. During the interactive dialogue, the Chair of the Working Group highlighted that a major flaw of the international law framework was its inability to address the interests of large minorities within a State, when these interests differed from those of the majority represented by the State at the international level. A member of the Working Group, Michal Balcerzak, noted that actions for remedies and reparations should be grounded in international law but that the existing framework on reparations for States’ internationally wrongful acts was inadequate for reparations for the transatlantic trade in enslaved Africans and colonialism. In response, Ms. Doyle stressed the need for a new framework within international law that would link reparations to the historical root causes of systemic racism and address the human rights violations suffered by people of African descent in all countries. Mr. Nguma recalled that the current debate on reparations was a continuation of the demands articulated by enslaved Africans since the abolition of slavery, noting that the power relations that characterized the slavery system continued to structure societies even until the present. He noted that the killing of George Floyd and the subsequent global protests could trigger structural change and stressed the importance of United Nations support for this movement.

21. The fourth panel focused on the current situation at the midterm review of the Decade and the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The Vice-Chair of the Committee on the Elimination of Racial Discrimination, Verene Shepherd, presented general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, adopted on 24 November 2020. She noted that racial profiling by law enforcement officials was a regular complaint by historically marginalized groups, especially people of African descent, and recalled that United Nations treaty bodies had repeatedly recommended that States parties take measures to put an end to the practice. She further explained that, in addition to being unlawful, racial profiling was ineffective and counterproductive as a general law enforcement tool and had negative and cumulative effects on the individuals and communities that were victims of it. She presented specific recommendations made in relation to legislative and policy measures, human rights education and training, recruitment measures, community policing, disaggregated data, accountability and artificial intelligence. In particular, incidents of racial profiling by law enforcement agencies should be investigated effectively in accordance with international human rights standards, those responsible

be prosecuted and sanctioned, and compensation be granted to victims. She highlighted the innovative character of the general recommendation that addressed, for the first time, the discriminatory outcomes of algorithmic profiling and predictive policing. She expressed concern about the increased use by law enforcement of big data, artificial intelligence, facial recognition and other new technology that risked deepening already-existing biases and discriminatory practices.

22. A Member of the European Parliament and Co-President of the Anti-Racism and Diversity Intergroup, Pierrette Herzberger-Fofana, presented recent developments in Europe in the area of anti-racial discrimination. She welcomed the adoption by the European Commission of its first action plan against racism and the adoption of the European Parliament resolution of 26 March 2019 on fundamental rights of people of African descent in Europe. She noted that initiatives to promote diversity within European Union institutions were under discussion. She expressed concern about the disproportionate impact that the COVID-19 pandemic had on people from minorities and called upon the European Union and Governments to better take into account the situation of visible minorities when putting in place actions aimed at reducing inequalities and tackling poverty.

23. A lecturer at De La Salle University and human rights advocate at African Diaspora Insight, John Phillip Binondo, discussed the situation of people of African descent in the Asia-Pacific region. He explained that, while the lack of historical account, recognition and disaggregated data made people of African descent invisible in this region, they faced prejudice, bias and discrimination that prevented them from realizing their full potential. He stressed the importance of establishing legal structures that would allow judicial remedies for marginalized and victimized groups. He added that education reforms were necessary to overcome the inherent racial biases and unconscious prejudice against racial minorities. He called upon Member States from the Asia-Pacific region to ratify and fulfil their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and to implement the Durban Declaration and Programme of Action and the programme of activities of the Decade. He also recommended that States take measures to collect data disaggregated by race and ethnicity. He also called upon the African countries to include the Durban Declaration and Programme of Action and the Decade in their bilateral and multilateral relations with Asia-Pacific countries. He concluded by expressing strong support for the establishment of the Permanent Forum of People of African Descent and the creation of a fund for people of African descent.

24. During the interactive dialogue, the members of the Working Group commended the Committee's adoption of general recommendation No. 36 (2020) as important to addressing deeply entrenched racism, racial discrimination, xenophobia and related intolerance. The Chair of the Working Group noted its far-reaching and pervasive impact. In response, Ms. Shepherd explained that lack of understanding of systemic racism was due mainly to the fact that the lessons from history remained unknown and unaddressed. She stressed the need for apologies and reparations. Mr. Binondo further elaborated on the importance of enhancing knowledge and knowledge production about people of African descent living in the Asia-Pacific region.

25. The representative of the Group of African States and South Africa reiterated that the midterm review of the Decade and the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action were critical to efforts to promote the full enjoyment of human rights by people of African descent. The representative of Brazil expressed strong support for negotiations on a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent and the establishment of the Permanent Forum of People of African Descent. The United Nations Population Fund presented its work in support of people of African descent and against racism. The United Nations Office

on Drugs and Crime, on behalf of the United Nations Network on Racial Discrimination and Protection of Minorities, explained how 20 United Nations entities had committed to strengthening efforts to combat racial discrimination, protect minorities and target discrimination in the United Nations. Representatives from civil society discussed the risk that discriminatory practices and policies would be embedded in algorithms, coding and data-driven products and expressed support for the establishment of the Permanent Forum of People of African Descent.

V. One year later: centring people of African descent as rights holders in the face of systemic racism and impunity

A. COVID-19 in the context of a culture of denial and disposability

26. At the outset of the pandemic, the Working Group reported on the rise of police violence against people of African descent in parallel to the risks of COVID-19.¹ The Working Group noted that race was the “through line” connecting COVID-19, police impunity and global protests, noting closely interlinked variables and considerations. Presumptions of disposability and expendability, which were necessary to the social construct of race historically, continued to license the exploitation of the labour, lives and intellectual property of people of African descent. Frequently, this was evident in the integration of social inferences and signalling,² or the seemingly autonomic responses to uncertainty and unprecedented situations that seem to confirm systemic racism, rather than embodying stated commitments to dismantle it. In this, it was possible to see a common root and ongoing links between the expectation of impunity for violence and abuse of authority by law enforcement, the disregard and denial of racial disparities evident in COVID-19, and the racialized differential in how States respond to protest and demonstrations.

27. Lack of consideration of racial disparities and systemic racism in decision-making relating to the COVID-19 pandemic remains an immediate concern. The Working Group is especially concerned about the roll-out of vaccination campaigns, with little consideration given to racial disparities and international solidarity. Measures and interventions that appear neutral may have discriminatory outcomes if specific efforts are not made to counter racial bias. As discussed above, the heightened vulnerability of people of African descent to COVID-19 is rooted in the systemic racism that has historically ignored barriers in access to medical care, chronic diseases, and their status as front-line workers.

28. In this regard, the Working Group discussed how taxonomies, or classification systems, are not neutral and reflect racialized priorities. As the Working Group cautioned at the time, “States must recognize the specificity of needs in particular communities, or risk deprioritizing people of African descent as a matter of law and policy.”³ This includes existing poverty and inequality that would continue to influence outcomes during the pandemic.⁴ In the United States, in March 2021, data showed that Black renters faced particular challenges in securing and remaining in housing due to the COVID-19 pandemic.⁵ For migrants of African descent,

¹ See [A/HRC/45/44](#).

² Tanaz Molapour and others, “Seven computations of the social brain”, *Social Cognitive and Affective Neuroscience*, vol. 16, No. 8 (August 2021).

³ [A/HRC/45/44](#), paras. 13–15.

⁴ For example, according to the National Institute of Statistics and Economic Studies (INSEE), in 2018, 40 per cent of the population of Reunion, largely people of African descent, lived below the poverty line.

⁵ For additional information, see www.childtrends.org/publications/racism-and-discrimination-contribute-to-housing-instability-for-black-families-during-the-pandemic.

interruptions in service delivery during the pandemic created obstacles to human rights and community safety.⁶ In 2020, the Caribbean Community (CARICOM) and the Organization of American States called for reform and voter reregistration after private consultants in Guyana leveraged racial stereotypes and tropes to create a multi-issue anti-Black consensus in the election cycle, similar to the influence of Cambridge Analytica in Trinidad and Tobago a few years prior.⁷ However, failures to address the disparate impact to people of African descent as a group persisted, even when States were on notice of the foreseeable impact of policymaking decisions that ignored or denied the pervasive impact of race.

29. This occurred in varied contexts. In Spain, people of African descent experienced the highest levels of discrimination in areas of access to adequate housing and education based on their physical features, a reality that continued or worsened during the COVID-19 pandemic.⁸ Civil society in Colombia reported that existing socioeconomic conditions and lesser access to health infrastructure in communities of people of African descent exacerbated COVID-19 concerns and abuses of law enforcement authority. In addition to a 25 per cent higher fatality rate for COVID-19, one third of Afro-Colombians experience serious barriers to the enjoyment of their human rights, a figure 50 per cent higher than the population at large. A national strike that began in April 2021, triggered by a tax proposal, is cited as a direct result of these ongoing, and disregarded, concerns. The city of Cali, an epicentre, has the second largest population of people of African descent in Latin America and has experienced the most police violence since the strike began and the most police homicides of people of African descent.⁹ Many thousands of claims of violence, including fatalities, forced disappearances and arbitrary detentions, have been reported in Colombia since the strike began.¹⁰ In Cali, 36 per cent of the victims of police-related fatalities and 62 per cent of those fatalities were people of African descent. Another civil society organization in Colombia recorded the forced disappearances, arbitrary detentions and murders of over 82 women of African descent.¹¹

30. In the Indian Ocean territories, people of African descent navigated a lack of personal protective equipment initially and challenges with vaccinations more recently. In addition, competing health crises, including dengue, competed with COVID-19 throughout this period, shutting down dengue prophylactic services previously undertaken by public officials and leaving residents at risk on multiple fronts. Health workers with inadequate and expired equipment described operating with a “sword of Damocles” over their heads at all times. In addition, artists whose income relied on international projects and programmes experienced drastic income loss.

31. Respect for dignity and humanity was also compromised throughout the pandemic. The greater reliance on online forums increased familiar abuses and harassment. In the United Kingdom, reports of an increase in online abuse during the pandemic were enhanced for Black women and non-binary persons.¹² Others reported

⁶ For additional information on the challenges faced by migrants of African descent, see <https://g2red.org/wp-content/uploads/2021/03/Mapping-of-challenges-in-lawful-residence.pdf>.

⁷ *The Great Hack* (2019).

⁸ For additional information, see www.infomigrants.net/en/post/29866/report-discrimination-worsens-in-spain.

⁹ For additional information, see the 2021 report of Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), available at <https://codhes.wordpress.com/2021/07/01/presentamos-manual-de-autoproteccion-para-lideres-y-lideresas-sociales/>.

¹⁰ Temblores ONG, communiqué of 16 June 2021. Available at www.temblores.org/comunicados.

¹¹ See www.ohchr.org/Documents/Issues/Racism/WGEAPD/urgency-of-now/csos/ILEX-Accion-juridica.pdf.

¹² Glitch UK and End Violence Against Women Coalition, “The ripple effect: COVID-19 and the epidemic of online abuse”, September 2020. Available at <https://glitchcharity.co.uk/wp-content/uploads/2021/04/Glitch-The-Ripple-Effect-Report-COVID-19-online-abuse.pdf>.

how the “concept of subalternity” left people of African descent infantilized by authorities, particularly in colonialesque contexts. In this regard, they were denied public resources and services, and concerns and enquiries were construed as punishable non-compliance.

32. People of African descent also reported the blurring of boundaries between work and home and the expectation that they were always available for work. For students who returned home, maintaining a reliable Internet connection for remote study in university or secondary school and the lack of in-person support led to increased dropout rates. For many, the need for working Internet at home created significant expenses as insecurity escalated. Increased food insecurity was also commonly reported, as was the invisibility of need. In Colombia, over 80 per cent of Afro-Colombians rely on the informal economy, which was devastated by the lack of travel and tourism. Nearly 40 per cent of people reduced their daily food intake, to two meals per day or less. Elsewhere, communities also reported lesser solidarity, as well as heightened distrust, as concerns at avoiding infection limited or stopped existing community-based intervention, created concerns at sharing health and other resources, and complicated mutual aid efforts. Described as cultural theft, this arose as core aspects of solidarity culture became potential threats. The impact of fear, indifference and egocentrism in the pandemic paralysed communities. This included a fear of the police, as well as a fear of long-held cultural bereavement practices that could occasion risk, such as rubbing shoulders on the threshold of a departed loved one’s home, a custom of people of African descent in the Indian Ocean territories.

33. Familiar inequities continue to drive the global COVID-19 response: access to vaccines prioritizes wealth and geopolitical power above need, risk and international comity. Vaccine producers have sought to assert intellectual property claims that may limit the replication and roll-out of vaccines globally. In addition, even in wealthy nations, a bidding war for vaccines has dramatically affected supply, leading to the spoliation and expiration of vaccines in some States and little or no access to vaccines in others. In the European Union, some States allow universal access to vaccines, but migrants of African descent in other States, such as Greece, cannot secure vaccinations without national identification numbers.¹³

34. A racialized, wealth-based double standard has emerged, whereby citizens of wealthy and developed nations have enjoyed widespread vaccine access. In other States, where vaccine access remains low or non-existent, the COVID-19 threat persists along with non-vaccine interventions, including treatments seeking to lessen the severity for those who are infected.¹⁴ The lack of access to vaccines is not necessarily related to availability. Even at present, millions of vaccine doses produced in South Africa are shipped to Europe for distribution.¹⁵ Reportedly, the African Vaccine Acquisition Trust negotiated vaccines for Africans by threatening to block the export of vaccine doses. Vaccine nationalism, including of the wealthiest nations, and “vaccine apartheid” suggest that the balance of power will continue to have a significant impact on COVID-19 treatment, access and outcomes.

35. The COVID-19 pandemic was exacerbated for people of African descent by historical failures of political will to redress and repair the ongoing harms associated with colonialism and the trade and trafficking in enslaved Africans. In May 2021, researchers confirmed that financial reparations could have mitigated COVID-19

¹³ Generation 2.0, “Operation freedom or health insecurity?”, 6 July 2021. Available at <https://g2red.org/operation-freedom-or-health-insecurity/>.

¹⁴ ISGlobal, “Recruitment begins in Mozambique for ANTICOV clinical trial of early treatments for COVID-19”, Drugs for Neglected Diseases initiative, 29 July 2021.

¹⁵ Gordon Brown, “The world is making billions of COVID vaccine doses, so why is Africa not getting them?” *The Guardian*, 16 August 2021.

transmission by 31–68 per cent in Louisiana in the United States, a very hard hit area.¹⁶ Racial disparities driven by systemic racism demonstrably enhanced the devastation of the COVID-19 pandemic in Black communities.

36. Vaccine hesitancy, among others, has also resulted in lower rates of vaccinations among people of African descent who do have access to vaccines. Ironically, although the science of inoculation in the West originated in the intellectual property of people of African descent,¹⁷ there are disproportionately low vaccination rates among people of African descent in some States where vaccines are widely available at present. The foundations of distrust, including the systematic use of Black bodies for medical experimentation,¹⁸ offer a powerful example of how systemic racism may redirect cultural mores.

37. There was also a troubling disregard for intersectional concerns during the pandemic. For example, restrictions on movement to decrease the number of people in the streets, reported in Colombia and elsewhere in Latin America, sometimes mandated movement to certain days on the basis of gender without accounting for gender identity or gender expression and putting transgender people at particular risk, a risk that was further enhanced for Afro-Colombians already facing disproportionate police attention and abuse of authority. In the United Kingdom, online abuse and harassment increased during the pandemic, particularly among Black women and non-binary people.

B. Police violence against people of African descent in the context of the COVID-19 pandemic

38. As the COVID-19 pandemic raged, and despite the enhanced risk, people of African descent began experiencing police stops and law enforcement violence at shocking rates in some States. During the COVID-19 crisis, the enhanced and sometimes abusive policing of Black bodies and communities, including the criminalization of children of African descent, has detrimental effects on communities and families and fosters distrust of law enforcement.¹⁹

39. In several States, human rights institutions reported a rise in violence during lockdown, quarantine and physical distancing periods mandated as a result of the COVID-19 pandemic. Incidents of enhanced racial profiling, police violence, unlawful use of force, and abuse of authority were reported against people of African descent or in areas with high concentrations of communities of African descent in Argentina, Brazil, Colombia, the United Kingdom and the United States. In Toronto, Canada, a 2020 report on racial profiling and racial discrimination of Black persons by the Toronto Police Service found that Black people were more likely to be proactively arrested, charged and subjected to use of force in a wide range of police interactions, and confirmed that Black communities were subjected to a disproportionate burden of law enforcement in a way consistent with systemic racism and anti-Black racial bias.²⁰ Migrants of African descent in Mexico report violence and abuse by immigration officials and the police, in addition to racism in public

¹⁶ Eugene T. Richardson and others, “Reparations for Black American descendants of persons enslaved in the U.S. and their potential impact on SARS-CoV-2 transmission”, *Social Science & Medicine*, vol. 276, May 2021.

¹⁷ Carey Baraka, “Onesimus: the African slave who taught America how to vaccinate itself from smallpox”, *Quartz*, 10 May 2020.

¹⁸ [A/HRC/45/44](#), paras. 53–56.

¹⁹ [A/HRC/45/44](#).

²⁰ Ontario Human Rights Commission, *A Disparate Impact: Second Interim Report on the Inquiry into Racial Profiling and Racial Discrimination of Black Persons by the Toronto Police Service* (Ontario, 2020).

services and accommodations more broadly, including access to housing, employment and education.²¹

40. In Colombia, civil society organizations reported the use of policing as a mechanism to instil fear in, degrade or control people and communities of African descent during the COVID-19 pandemic.²² They measured significant racial profiling based on skin colour and skin tone and found that people of African descent were 2–14 times more likely to be fined in a police interaction than similarly situated non-Black people. Civil society also reported that the open use of stop and arrest quotas left youth and others facing escalating rates of police conduct absent adequate cause. In addition, the decentralized nature of the police in Colombia left many abuses of authority concealed from national or higher-level authorities. Specific individuals offered testimonies reporting harassment including strip searches, being made to do push-ups, and sexual assaults by the police in routine stops and arrests. Youth in detention reported forced labour in exchange for release. Several police themselves acknowledged racial stereotypes, dehumanization and the use of animalizing and offensive racial tropes against people of African descent, openly admitting that it led them to more frequent use of force and acknowledging their perception that they should protect communities from people of African descent rather than seeing Afro-Colombians as part of their own communities.

41. Law enforcement agents used techniques that sometimes placed protesters at risk, including the encirclement and squeezing of demonstrators (“kettling”) that had been linked to police abuses in the past. In New York City, people of African descent experienced police violence during COVID-19 that continued as demonstrations began. Training documents showed instructions on using bicycles as “force multipliers” in gaining compliance from mass demonstrations.²³

C. Protest, public awareness and the global demand for change in the context of racial disparities and police impunity

42. In 2021, popular protest and global demand that States confront and dismantle systemic racism continued, in addition to reforms and investigations catalysed by the events of the prior year(s) around the globe. The murder of George Floyd and others, as well as the long history of police impunity and a culture of denial, had become untenable to many. Many protesters demanded the defunding of police or the redistribution of public resources away from carceral and force-driven problem-solving. In addition, ending or reducing the use of qualified immunity to protect the police from civil liability for misconduct remained a core demand of protesters.²⁴

43. These demands for equity, equality and change were not welcomed universally; efforts to compromise or sabotage them existed. In some racial justice protests, rogue operators or white nationalist agitators were discovered to be behind violence and

²¹ S. Priya Morley, “Reckoning with racism against Black migrants in Mexico”, Open Global Rights, 16 February 2021.

²² According to the civil society submission from ILEX (Colombia) of May 2021.

²³ John Bolger and Alice Speri, “NYPD ‘goon squad’ manual teaches officers to violate protesters’ rights”, The Intercept, 7 April 2021.

²⁴ In the United States, Colorado (Enhance Law Enforcement Integrity Act (SB20-217) (2020)) and New Mexico (Civil Rights Act (HB 4) (2021)) are the first two states to effectively ban qualified immunity. New York City appears poised to be the first city to severely limit qualified immunity (see <https://abcnews.go.com/Politics/york-city-moves-end-qualified-immunity-making-1st/story?id=76752098>).

property destruction.²⁵ In some States, some public officials have taken action to punish or chill the right to peaceful protest. In the United States, several laws were passed in response to protests with language adequately broad to meaningfully infringe on the right to peaceful assembly and protest.²⁶ In France, a global security bill seeks to respond to civilian protests, for example the *gilets jaunes*, with broad licence to chill peaceful assembly and protest for people of African descent, including prohibiting the dissemination of images of police officers engaged in public misconduct; enhanced facial recognition technology; increasing privatized policing; dissolving associations for lawful defence of human rights; and targeting funding of non-governmental organizations. In Colombia, the use of tear gas and anti-riot policing measures left many with ongoing and chronic injuries, as well as exacerbated fear and distrust in the community. Combined with the pandemic being cited as a basis to limit freedom of movement and freedom of assembly, the very people at the highest risk during the pandemic were also facing the harshest human rights abuses.

44. In addition, widespread information and awareness-raising activities did not always improve the public understanding of the drivers and legacies of systemic racism in some States where serious incidents of police violence against people of African descent had been reported and amplified by civil society and local communities. For example, despite awareness-raising protests highlighting the deaths of Adama Traoré and others at the hands of the police, an overwhelming majority of people in France, Germany and the United Kingdom reported their belief that there was no more racism among the police than in other professional circles, and public confidence in the police remained high, with only 18 per cent of respondents reporting a belief that there was more racism among the police than in other professions.²⁷ Although that number was nearly doubled among young people in the three countries, that data point may reflect how public opinion has resisted rather than accepted the pervasive systemic racism, particularly in the absence of adequate, relevant disaggregated data to illustrate the realities of people of African descent.

45. Amplifying discourse on systemic racism has not necessarily affected decision-making outside of policing either. In London, in March 2021, students at a private school protested against a ban on afro haircuts, which alleged that the natural hair of people of African descent could inappropriately block the view of other pupils in

²⁵ Neil MacFarquhar, “Many claim extremists are sparking protest violence. But which extremists?”, *The New York Times*, 22 June 2020; Mia Bloom, “Far-right infiltrators and agitators in George Floyd protests: indicators of white supremacists”, *Just Security*, 30 May 2020.

²⁶ In the United States, see e.g. Florida HB 1/SB 484 (2021) (expanded definition of “riot” and new penalties for protesters); Oklahoma HB 1674 (2021) (penalties for protesters who block traffic, immunity for drivers who hit protesters, and liability for organizations that work with protesters); Tennessee SB 0902 (2019) (new penalties for protesters who block traffic) and HB 8005/SB 8005 (2020) (heightened penalties for “inconvenient” protests, whereby protesters who obstruct or make it “unreasonably inconvenient” to use a street or sidewalk could face up to one year in jail); North Dakota HB 1304 (2020) (new penalties for protesters who conceal their identity with masks, hoods or other device that “conceals any portion” of an individual’s face while committing a criminal offence, e.g. jaywalking, in order to avoid recognition or identification); West Virginia HB 4618 (2018) (eliminating police liability for deaths while dispersing riots and unlawful assemblies; and if a bystander is asked to assist in the dispersal and fails to do so, he or she “shall be deemed a rioter”); Utah SB 173 (2020) (criminal penalties for protests that disturb legislative or other government meetings; expanding “disorderly conduct” to include recklessly causing public inconvenience from “unreasonable noises” that can be heard at an official meeting or obstructing pedestrian traffic or refusing to leave an official meeting when asked by law enforcement). See www.icnl.org/usprotestlawtracker/?location=&status=enacted&issue=&date=&type=.

²⁷ Guillaume Farde and Floriane Labarussiat, “La confiance police-population en 2021: le décrochage des 18–24 ans”, note de recherche, Baromètre de la confiance politique (Sciences Po CEVIPOF, 2021). Available at www.sciencespo.fr/cevipof/sites/sciencespo.fr.cevipof/files/NoteBaroV12_GF%26FL_confiancepolice_mars2021_Versionfinale2.pdf.

class.²⁸ In some States, including the United States, legislation has been required to allow people of African descent to have natural hairstyles in the workplace.

46. Nor has popular protest, criminal process or global demand reformed policing systemically. In the United States, in the first five months of 2021, 89 people of African descent, including teenager Ma'Khia Bryant, 20-year-old Daunte Wright and 42-year-old Andrew Brown, Jr., were killed by the police.²⁹ According to Mapping Police Violence, Black people are three times more likely to be killed by the police, more likely to be unarmed and less likely to be threatening someone when killed by police.³⁰ In France, a survey of the independent authority Défenseur des droits (Defender of Rights) shows that young men of African descent are 20 times more likely to be stopped and searched than any other male group.³¹ In Australia, in March 2021, young people of African descent (particularly South Sudanese) comprised 19 per cent of the young people in custody, a percentage far disproportionate to their presence in the country.³²

D. Important leadership has emerged in United Nations, State and civil society spaces in 2021

47. Inside the United Nations and its agencies, and in response to demand by Member States and civil society, the leadership has taken important steps to confront and address systemic racism in 2021. The Working Group strongly commends the United Nations High Commissioner for Human Rights for her report 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 (A/HRC/47/53) and for the fruitful collaboration throughout the drafting process. In July 2021, the Human Rights Council adopted resolution 47/21, offering States guidance and encouragement in the implementation of the recommendations in the report of the High Commissioner, including a new expert mechanism focused on systemic racism in law enforcement. In August 2021, the General Assembly established the Permanent Forum of People of African Descent, a consultative and expert forum that will offer ongoing leadership and attention to pressing issues relating to people of African descent globally.

48. Some intergovernmental organizations and Member States have adopted incremental reforms and reimagining of systems relating to police violence against people of African descent. In the United States, in April 2021 a Minnesota jury convicted former officer Derek Chauvin of second-degree murder for the killing of George Floyd in May 2020. In a historic ruling on 31 August 2020, the Inter-American Court of Human Rights ruled against Argentina in *Acosta Martínez y otros v. Argentina*, noting that the case was “paradigmatic of the persecution and stigmatization of the Afrodescendent community”, urging the State to systematically train security personnel on racism and racial discrimination against people of African descent and obliging the State to publicly report on the detention of people of African descent.

²⁸ BBC, “Pimlico Academy pupils stage protest over ‘racist’ uniform policy”, 31 March 2021.

²⁹ Nolan D. McCaskill, “Police are still killing people at the same rate as before”, Politico, 25 May 2021.

³⁰ Andrew R. Chow, “People expected police behavior to change after George Floyd’s murder. The numbers tell a different story”, *Time*, 13 May 2021. Available at <https://time.com/6046645/police-killings-2021/>.

³¹ Dunja Mijatovic, “Opinion: Europe must wake up to racism, Afrophobia”, Deutsche Welle, 21 March 2021.

³² Stephane Shepherd, “Opinion: too many young African-Australians are in jail. Some blame police, but the data tells a more complex story”, ABC News, 25 March 2021.

49. In advance of the midterm review of the Decade and the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, the Working Group conducted five regional consultations with civil society at its twenty-sixth session³³ and collected written inputs from civil society, Member States and international organizations in response to two calls for inputs on the midterm review of the Decade (January 2020) and on the current human rights situation of people of African descent (June 2021).³⁴ Eight States and regional organizations have officially launched the Decade,³⁵ and several States have taken legislative and policy measures on behalf of people of African descent.

50. In Canada, the Black parliamentary caucus set recommendations for the Government to address systemic barriers that foster discrimination against people of African descent, including access to financial aid of up to \$250,000 for Black-owned businesses or Black entrepreneurs for start-ups or existing for-profit small businesses,³⁶ seeking to unlock potential for Canadians of African descent struggling to gain access to financial aid. In Tunisia, the adoption of Decree No. 2021-203 resulted in the creation of the National Commission for the Fight against Racial Discrimination, and the State convened a body to look at how public policy decision-making affects people of African descent.

51. Among the most recent developments, the Working Group heralds the adoption of the European Union anti-racism action plan 2020–2025³⁷ and the launch in the United States in 2021 of a “whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face”.³⁸ The Working Group further welcomes local, national and regional initiatives to undertake truth seeking and limited forms of reparations, such as the CARICOM 10-Point Reparation Plan, the decolonization of public spaces, schoolbooks and national memories, the return of African cultural heritage, as well as acknowledgements, apologies and litigation for historical atrocities committed against people of African descent.

52. Individual, community and civil society efforts have also offered leadership in acknowledging and committing to anti-racism in different sectors. Civil society plays a crucial role in dismantling systemic racism. Civil society groups provide leadership in the global protests against racism. In 2021, among other things, civil society action sensitized Member States, urged decisive and historic action, and served as standard-bearers at national, international and intergovernmental processes at key points in the past year and before.

53. Furthermore, professional athletes, and some sports organizations, have offered particular leadership. The practice of “taking a knee” during the playing of national anthems in advance of sporting events, reignited through the activism of Colin Kaepernick, who lost his American football career with this visible demand for

³³ See www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Session26.aspx.

³⁴ All written submissions are available at www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/urgency-of-now.aspx.

³⁵ A compilation of the various actions taken by States can be found on the website of the International Decade for People of African Descent, maintained by the Department of Global Communications (www.un.org/en/observances/decade-people-african-descent/actions-taken), and in the online anti-discrimination database maintained by OHCHR (<https://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>).

³⁶ The Canadian Press, “Federal Government launches loan program for Black-owned businesses”, Todayville, 31 May 2021. Available at www.todayville.com/federal-government-launches-loan-program-for-black-owned-businesses/.

³⁷ Available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en.

³⁸ See www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

equality, has been taken up by athletes in soccer and basketball internationally. In the United States, the Women's National Basketball Association has made the demand for social justice central to its public presence, including activities and clothing that declares, "Black Lives Matter".

E. Ongoing concerns: "If you don't count us, we don't count"

54. Several States have included categories of self-identification for these populations in national censuses, and wide-ranging studies and surveys on entrenched racial disparities have been conducted in Europe and in Latin America.³⁹ Where data exist, they have helped to highlight and address institutional racism and racial disparity. Where absent, the lack of data disaggregated by race is a significant factor concealing systemic discrimination faced by people of African descent. This was evident during the COVID-19 pandemic, when few States immediately publicized data disaggregated by race. Even States with a history of maintaining data disaggregated by race or facilitating racial self-identification in administrative data did not immediately maintain or reveal data based on race in the COVID-19 pandemic, often declining to do so altogether or eventually agreeing to civil society demands. This is particularly concerning in the light of the almost immediate evidence that the pandemic would, and did, disproportionately affect people of African descent worldwide.

55. Thus, in some States, a lack of disaggregated data and political will has made it challenging to ensure that development and reform efforts benefit people of African descent. For example, in Argentina, development for Afro-Argentines outside of migrant populations has been compromised by their invisibility in political discourse and a lack of relevant data disaggregated by race.

VI. Conclusions and recommendations

56. The Working Group thanks Member States, representatives of international organizations and civil society for their active participation. The Working Group also thanks the invited guest speakers for their remarks and analysis.

A. Conclusions

57. People of African descent have long navigated systemic racism and racial discrimination by governmental and non-governmental actors, despite commitments to equality. Urgent and collective action is therefore required to effectively address the root causes of inequality, inequity and impunity. Despite very different development and cultural contexts, people of African descent face common challenges worldwide, including racism and structural discrimination, as well as socioeconomic inequalities, exclusion, marginalization and injustice. While these are clearly legacies of the transatlantic trade in Africans and colonialism, they also reflect ongoing mindsets and pervasive present-day exploitation and expectation of impunity.

58. People of African descent are also socially positioned to experience multiple and intersectional forms of systemic oppression. Systems anchored in discriminatory practices systematically distribute resources, power and opportunities along racial lines, affecting the ability of people of African descent to fully and freely participate in society, governance and the economy. This also implicates the susceptibility of people of African descent to COVID-19. The COVID-19 pandemic has had a

³⁹ For more information on data for racial justice, see [A/HRC/42/59](#).

disproportionately devastating impact on people of African descent, including racial disparities in pandemic fatalities and negative health impacts, as well as the socioeconomic costs over time.

59. This period has also seen a particularly intense recognition of police violence against people of African descent globally. Popular protests have been met with State violence. Video evidence has been compiled of brutality and incidents of violence, including the use of tear gas and pepper spray, arbitrary arrest, detention and intimidation, physical assaults with batons, rifle butts or vehicles, attacks on journalists or legal observers, use of kettling to prevent civilians from leaving the site of a protest, and injury caused to minors.

60. The collection of data on COVID-19-related infection and mortality disaggregated by race, ethnicity and more should inform the elaboration of the policy responses to COVID-19.

61. Peaceful demonstrators and civil society advocates, including those supporting the widespread, transnational Black Lives Matter movement, experienced violent State responses, while nationalist and white supremacist groups received conciliatory and non-violent treatment by State actors, including in the face of violence and property destruction.

62. Deaths in police custody remain a matter of concern globally. Many cases arise from the wrongful use of restraint or from situations properly warranting mental health, rather than police, intervention.

63. Various forms of structural racism persist globally. Their relationship to health inequities is insufficiently studied. The human right to the highest attainable standard of physical and mental health intersects and implicates other human rights, such as the right to information, the right to freedom and security of the person, the right to equality and non-discrimination and the right to bodily autonomy.

64. COVID-19 has revealed the urgency of ending the colonialism and racism embedded in the global health architecture, which has a disproportionate impact on Black and indigenous communities and communities of people of colour and those in the global South. In many parts of the world, challenges related to the realization of the right to health were rooted in slavery, colonialism, apartheid, xenophobia, Afrophobia, transphobia, homophobia, and ableism, sexism and racism. Thus, any effort to reduce structural health inequities must challenge the distribution of power within society and empower individuals and groups to strongly and effectively advocate for their rights. For COVID-19 to truly come to an end, it must be stamped out in every country, for each person, around the world.

65. Despite significant advances in health care and technology over the past decades, racialized health inequities have been profound and persistent. Studies show that the chronic stress of living with daily racism is resulting in premature ageing (i.e. the “weathering effect”). Moreover, these are rarely discernible in the absence of data disaggregated by race. For example, it took many years to update protocols for the treatment of hypertension among people of African descent, and this was possible only with disaggregated data.

66. Distrust in the health-care system among people of African descent is a result of a historical legacy of centuries of neglect, abuse and exploitation, as well as measurable bias, inequality, inequity and discrimination at present.

67. Research has shown that health-care workers demonstrate racial bias, particularly under conditions of stress, that results in relatively positive attitudes towards white patients and conversely negative attitudes towards Black patients.

68. Digital surveillance, monitoring and facial recognition in technologies used in health innovations may perpetuate racism, therefore embedding it in health technology. Unchecked, these create unjust outcomes in diagnostics, investigations, analytics and algorithms in health care. One example is an algorithm widely used by health-care systems in the United States that significantly underestimated the needs of the most chronically ill Black patients, on the basis of race, further reinforcing racial health inequities in treatment.

69. Attacks against human rights defenders, especially against people of African descent, have increased during the pandemic. Women advocating for reproductive health, sexual education and rights for lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons have been targeted and received death threats. Violence against women, especially against Black women, is on the rise during the COVID-19 pandemic. This is even worse, given that 70 per cent of the Black population depends on the public health system. COVID-19 has a disproportionate impact on persons in vulnerable situations and deepen pre-existing inequalities. States have a duty to show political leadership, prioritize dignity and apply a human rights approach to all actions.

70. It is essential to chart the history of the struggle of Africans and people of African descent, including the role of United Nations agencies in that history. For example, in the years from 1945 to 1965, the lack of an advisory opinion of the International Court of Justice on the matter of the Jim Crow laws stands in stark contrast to the advisory opinion by the Court on apartheid in South Africa. Similarly, the United Nations declining to take up the claims raised by people of African descent in the United States demonstrates the challenge that the United Nations system has faced in addressing matters of race as distinct from national identity.

71. Reparations are an internationally recognized human right, yet reparations for people of African descent for the trade and trafficking in enslaved Africans and colonialism remain a controversial topic of discussion in many forums. The legitimate expectations and demands related to reparations for people of African descent have been largely misunderstood and/or denied by many States and other stakeholders.

72. The urgent debate in the Human Rights Council, Council resolution 43/1, the report of the High Commissioner (A/HRC/47/53), and Council resolution 47/21 have offered clear and important guidance in operationalizing commitments to fight systemic racism in a local context. The Working Group will continue to support the Council and OHCHR in its implementation of the resolution, in partnership with key stakeholders.

73. The twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, the midterm review of the Decade and the 2030 Agenda are critical platforms to ensure that racial equality and equity remain at the centre of the global and national agendas.

74. The Working Group welcomes the relaunch of the United Nations Network on Racial Discrimination and Protection of Minorities, including engagement at the senior levels. The United Nations system as a whole must fight racism as a collective priority, in the spirit of the Secretary-General's call to action.

B. Recommendations

75. **The Working Group notes with appreciation the many recommendations submitted in statements presented at the session and submitted to the Working Group.⁴⁰ The Working Group makes the recommendations below.**

⁴⁰ The submissions are available on the web page of the Working Group (www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Session27.aspx).

76. Member States must commit to racial equality and justice and commit to putting an end to impunity for violence against people of African descent. An honest assessment of the past, including acknowledging and addressing the consequences of the transatlantic trade in enslaved Africans, is necessary.
77. Member States must act swiftly to acknowledge, address and mitigate widespread and racialized health inequities that have an impact on standards of care and risks associated with COVID-19 and other pandemics.
78. The Working Group strongly encourages Member States and all relevant stakeholders to give due consideration to the recommendations made by the High Commissioner in her report and to quickly implement the recommendations set forth therein and in the subsequent resolution of the Human Rights Council.
79. Intergovernmental, governmental and local protocols must ensure that any successful COVID-19 vaccine must be equitably distributed, across countries and across the populations in any given country. Particular care must be taken to ensure that the inequalities of the pandemic will not be reinforced in the vaccine roll-out process.
80. New technology and intellectual property in the production of science related to the COVID-19 vaccine should be widely shared. States have the obligation to ensure that COVID-19 vaccines and treatments are equitably distributed and safe, available, accessible and affordable for all who need them.
81. Data on all aspects of the pandemic, disaggregated by race, are essential to inform health policy, financing and broader policy initiatives during the COVID-19 pandemic. States and civil society should undertake specific efforts, in cooperation with people of African descent, to collect, analyse and publicly report data disaggregated by race in all sectors.
82. Health professionals have remained essential amid the global pandemic. As trauma and stress relating to the pandemic mount, public and private resources must recognize this and support health workers and other essential first responders who have remained enmeshed in the treatment and prevention of COVID-19 while also caring for family and loved ones in the past year, often while dealing with personal insecurity and chronic racial stress.
83. States and civil society should develop specific indicators on the impact of the COVID-19 pandemic and tailor policymaking and implementation to ensure that development and humanitarian efforts reach people of African descent in every sector.
84. In many communities of people of African descent, traditional health and care personnel (midwives, traditional healers and doctors) have been the only means of access to health care and advice as geographical and cultural conditions limit access to hospitals and health centres. However, traditional healers and midwives often experience tension in relations with the biomedical health systems. As a top priority, States should invest in relevant training and resourcing of traditional doctors, healers and nurses as de facto COVID-19 first responders.
85. States should promote intercultural methodologies that leverage ancestral knowledge and traditional medicines to expand and synergize public policies in the framework of the COVID-19 pandemic. States should likewise support community initiatives to monitor the pandemic, given the geographic realities of many communities of people of African descent.
86. States should ensure that hospital resources such as intensive care and ventilators and other devices are increasingly available in rural communities and communities where people of African descent lack health infrastructure.

87. States should define specifically when detention can take place, as in the European Convention on Human Rights, to ensure that arbitrary arrests do not disproportionately affect those of African descent.
88. States should discontinue the use of private prison, police and profit models that incentivize arrests, quotas and abuses of authority that have a disproportionate impact on people of African descent and frequently violate human rights.
89. States must invest proportionately in health care, housing, mental health services and other public goods, services and accommodations and end the use of criminal legal systems as sites of wrap-around service delivery and problem-solving.
90. States must explicitly acknowledge and state the intent to combat mass incarceration as a mechanism of confronting systemic racism, as well as confront the impact to people of African descent in reparative and restitutive decision-making and policy discussions.
91. States should remove legal barriers to recording or disseminating video of law enforcement conduct publicly.
92. States must collect, compile, analyse, disseminate and publish reliable statistical data disaggregated by race and ethnicity, in compliance with the human rights-based approach to data collection. States should take and support other measures, such as race disparity audits, observatories and studies, to better understand racial disparities and inform policymaking relating to equality and opportunity for people of African descent.
93. States must promote the production and dissemination of knowledge on the historical contributions of people of African descent and on the periods of enslavement and colonialism, by providing financial support and facilitating access to records archives and primary data, as well as through efforts to review and amend textbooks and curricula.
94. Civil society efforts and initiatives to denounce and eradicate systemic racism locally and globally must be supported, notably through funding and public recognition. States must guarantee protection to those standing up against racism, including human rights defenders, from being subjected to intimidation, surveillance, reprisal, harassment and attacks.
95. States should reinforce their engagement in the aims and priorities of the Decade. The midterm review of the Decade is an opportunity for Member States to demonstrate commitments to addressing racial injustice.
96. The Working Group reiterates its call to all States to fully and effectively implement the Durban Declaration and Programme of Action and to establish and implement without delay comprehensive national action plans to tackle racism through the reinforcement of national institutions, legislation, the administration of justice and the creation of competent national bodies to adequately investigate allegations of racism, racial discrimination, xenophobia or related intolerance.
97. The pervasiveness of racism, structural discrimination, Afrophobia and related intolerance poses a serious challenge to the attainment of the Sustainable Development Goals. The Working Group reminds Member States that the eradication of structural discrimination is a key driver for attaining the Goals, requiring the dismantling of the structural and systemic barriers to sustainable development that exist for people of African descent in developing and developed countries. The Working Group recommends that its operational guidelines on

the inclusion of people of African descent in the 2030 Agenda inform local, national and international efforts aligned with the 2030 Agenda.

98. The Working Group urges States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women and follow past recommendations from the Committee on the Elimination of Racial Discrimination that affect all migrants.

99. The Working Group also urges States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to take more decisive actions towards meeting their obligations under the Convention and States not parties to take the measures necessary to ratify it.
