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**Consideration of thematic studies**

## **Racism, racial discrimination and the right to development**

**Thematic study by the Expert Mechanism on the Right to Development**

**Conference room paper**

### *Summary*

Anti-racism, non-discrimination and equality of opportunity for development are central pillars of the right to development. The Declaration on the Right to Development (DRTD) enjoins states to take resolute steps to eliminate the violations of human rights of peoples affected by racism and racial discrimination. This EMRTD study examines racism and racial discrimination as barriers to the operationalization of the right to development (RTD) in the context of state obligations, international cooperation, and global partnerships on the right to development. Through this study the EMRTD seeks to provide guidance to States and other stakeholders on addressing the challenges and obstacles that racism and racial discrimination pose to operationalizing the right to development.

## I. Introduction

1. In resolution A/HRC/45/29, the Human Rights Council requested the Expert Mechanism on the Right to Development (EMRTD) to implement the recommendations contained in its inaugural report and in doing so, to pay particular attention to the international dimension of the right to development and how this aspect would make the practical implementation of the RTD effective at the national, regional, and international levels. In accordance with this request, the EMRTD is preparing five thematic studies to be submitted during the first three-year term of the Mechanism. This study on racism, racial discrimination and the right to development is the second thematic study of the EMRTD. It is based on desk research, consultations with civil society, and country visits. It also draws on input from UN member States and other stakeholders, including international organizations, national human rights institutions, non-governmental organizations, and academic experts.

2. Racism and racial discrimination have been longstanding issues on the UN's human rights agenda. The EMRTD acknowledges the important contributions of UN organs and experts that deal with racism, in particular, the Committee on the Elimination of Racial Discrimination (CERD), the Working Group of Experts on People of African Descent (WGPAD), the Working Group on Indigenous Populations (WGIP), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Special Rapporteur on contemporary forms of racism, and the Special Rapporteur on the rights of Indigenous Peoples. The EMRTD also recognizes the pivotal role of the World Conferences Against Racism (WCAR) in promoting the struggles against racist ideologies, policies, and practices, notably the 2001 Durban Conference. This EMRTD study complements these ongoing efforts by focusing on racism and racial discrimination in the specific context of the right to development.

3. This study is necessary and timely for several reasons. The first is the current global movement for racial justice which has called into question the historical and contemporary structures of racial discrimination. Across the world, marginalized racialized communities are demanding racial equality and anti-racist interventions from states and from regional, and international organizations. These demands call for renewed focus on international efforts to combat racism. Indeed, as the Human Rights Council Advisory Committee noted in its recent report on Racial Equality, “the time has come to embrace more decisive policies and means to bring about racial equality in a sustainable manner at both the national and the international levels.”<sup>1</sup> The second imperative for this study is the disproportionate impact of the COVID-19 pandemic on racialized communities which has intensified poverty and reduced the quality of life in these communities. In many countries, maps of the pandemic reveal its disproportionate impact on racialized communities economically, socially, and in terms of general wellbeing. These issues can be addressed through the framework of the right to development. Finally, 2021 marks the twentieth anniversary of the 2001 Durban Declaration and Program of Action which highlights the negative economic, social, and cultural consequences of racism, racial discrimination, xenophobia, and related intolerance. The Durban Declaration resolved to free every person from the abject and dehumanizing conditions of extreme poverty and to make the RTD a reality for everyone. These resolutions have been reaffirmed in the 2030 Agenda for Sustainable Development.

## II. Anti-Racism and the Right to Development

4. Racism, racial discrimination, and racial injustice are violations of fundamental human rights. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an

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<sup>1</sup> A/HRC/48/72

equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”<sup>2</sup>

5. The core historical foundations of present-day racism are the “legacies of colonialism and slavery [which] persist as myriad contemporary structures of racial discrimination and oppression.”<sup>3</sup>

6. Racism and racial discrimination serve to rationalize hierarchical domination of one racial or ethnic group over others, and to maintain social and material advantages for the dominant group while producing adverse outcomes for those marginalized. Racism is linked to state violence, a lack of economic opportunities, poverty, unemployment, and health disparities that impinge on the RTD. In the legal and institutional framework to fight racism, racial discrimination, xenophobia, and related intolerance, the CERD has stated that “racial discrimination or the potential for racial discrimination exists in all societies.”<sup>4</sup> The CERD enjoins state parties to enact legislation and adopt practices specifically prohibiting racial discrimination or to amend the existing laws, in order to be in full compliance with the Convention. Systemic racism, and racial, ethnic, and related forms of discrimination constitute a source of marginalization, exclusion, inequality, and oppression among people in all regions of the world. Racism is therefore a worldwide phenomenon that requires a global response.

7. Secretary-General Antonio Guterres has called attention to the “persistent plague of racism” as a “scourge [that] violates the UN Charter and debases our core values.”<sup>5</sup> He stated: “the rot of racism is corroding institutions, social structures and everyday life. We must do far more to address this scourge... We know the challenge is complex with deep roots in centuries of colonialism and slavery.”<sup>6</sup> Today, we see racism in discrimination against Afro-descendants and indigenous peoples. We see racist or discriminatory dimensions in growing anti-Semitism, anti-Muslim hatred, violence against some minority Christian communities, and in many other forms of intolerance and xenophobia around the world. We also see a rise in anti-Asian racism and xenophobia fuelled by the COVID-19 pandemic, and the stigmatization of Asian communities in some countries.<sup>7</sup> Indeed, the pandemic has further exposed the strong social and economic dimensions of racism and discrimination.

8. In her 2021 report, “Agenda towards transformative change for racial justice and equality,” UN High Commissioner for Human Rights, Michelle Bachelet called on States to adopt a transformative agenda to uproot systemic racism. The report noted that the “worldwide mobilization of people calling for racial justice has forced a long-delayed reckoning with racism and shifted debates towards a focus on the systemic nature of racism and the institutions that perpetrate it.”<sup>8</sup> The High Commissioner called on States to stop denying, and start dismantling, racism; to end impunity and build trust; and to confront past legacies and deliver redress.<sup>9</sup> Similarly, the Human Rights Council Advisory Committee has noted that the problem of racism, has “lately acquired new dimensions that risk engulfing societies in renewed waves of hatred and turmoil, endangering social peace and security.”<sup>10</sup>

9. This study adopts the definition of “racial discrimination” presented in the ICERD.<sup>11</sup> “Racial discrimination” is defined as any distinction, exclusion, restriction or preference

<sup>2</sup> Article 1.

<sup>3</sup> A/74/321.

<sup>4</sup> CERD/C/UAE/CO/17, para. 12.

<sup>5</sup> United Nations, Secretary-General’s Letter to Staff on the Plague of Racism and Secretary-General’s remarks at Town Hall, 9 June 2020.

<sup>6</sup> United Nations, Overcoming Racism Demands Action ‘Every Day, at Every Level’, Secretary-General Stresses, in Message to Human Rights Council Panel, [un.org/press/en/2021/sgsm20592.doc.htm](https://www.un.org/press/en/2021/sgsm20592.doc.htm).

<sup>7</sup> Human Rights Watch, Covid-19 Fueling Anti-Asian Racism and Xenophobia Worldwide: National Action Plans Needed to Counter Intolerance.

<sup>8</sup> A/HRC/47/53; A/HRC/47/CRP.1.

<sup>9</sup> Ibid.

<sup>10</sup> A/HRC/48/72, p. 3.

<sup>11</sup> Article 1.

based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The notion of racial discrimination as used in this study is therefore inclusive of discrimination based on ethnic and national origin.

10. Although this study focuses on racism in the context of the RTD, it is recognized that racism often intersects with other forms of discrimination such as those based on ethnicity, gender (sexism), country of origin/nationality (xenophobia), religion, and cultural heritage. This has been described in terms of “intersecting discrimination,” a situation where several grounds for discrimination operate and interact with one another at the same time in such a way that they are inseparable.<sup>12</sup>

11. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has emphasized in recent studies the importance of acknowledging the compounded discrimination faced by racialized and minoritized LGBTQ and gender-diverse individuals.<sup>13</sup> To build more inclusive societies therefore, we must attend to these intersections of discrimination and social exclusion. This aligns with the Human Rights Council resolution 32/2 that posits that “an inclusive society enables people to enjoy protection from violence and discrimination, and leaders in the social, cultural, political and other fields can have an important role in communicating, motivating and fostering that inclusiveness.”

12. The RTD and the issue of racism have been identified as two of the most relegated areas of human rights advocacy within the international human rights system. Studies have shown that inequalities based on race have not received the same attention as other forms of inequality in the Sustainable Development Goals (SDGs), their targets, and the global indicators developed to monitor progress on implementation.<sup>14</sup> Similarly, since the adoption of the DRTD by the UN General Assembly in 1986, its operationalization has been hampered by state indecisiveness, regional geo-political polarization, and a lack of international agreement on implementation. The discussion of racism in the context of the RTD may therefore reflect an “intersection of marginality.” The need to bring more attention to the intersections between racism and the RTD is a key objective for this study. To combat prejudice in all its forms, we must pay attention to the intersectionality between racism and other forms of prejudice and discrimination. This approach will, for example, allow for recognition of how “race is gendered, and gender is raced.”<sup>15</sup>

### **III. Equality of Opportunity for Development**

13. The DRTD and the RTD agenda emerged in the context of the “global United Nations” as formerly colonized nations became independent and gained representation at UN and other international organizations. These new voices, mostly from the Global South and formerly colonized countries, played a transformative role in expanding the economic, social, and cultural rights provisions in international human rights law. They called for the transformation of the global economic order which they believed was not conducive to their development. The debates over these “second generation” rights were characterized by demands for economic and social justice.

14. Anti-racism and self-determination were central to these demands. Provisions to address racial discrimination and the obstacles it poses to global social and economic development have figured prominently in several development-related instruments that preceded the DRTD including the Declaration on the Establishment of a New Economic

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<sup>12</sup> A/72/131.

<sup>13</sup> A/74/181, para. 1, 4.

<sup>14</sup> Inga T. Winkler and Margaret L. Satterthwaite, “Leaving no one behind? Persistent inequalities in the SDGs,” *The International Journal of Human Rights* Vol 21, No. 8, July 2017, pp. 1073-1097.

<sup>15</sup> Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, “Call for input to a thematic report: Gender, sexual orientation and gender identity,” 14 March 2021.

Order (DENEQ, 1974) and the Charter on the Economic Rights and Duties of States (CERDS, 1974). The DENEQ recognized racial discrimination as one the “greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved.”<sup>16</sup> Similarly, CERDS proclaimed the right and duty of all States, individually and collectively, to eliminate racial discrimination in all forms as a prerequisite for development.<sup>17</sup>

15. Equality, including the right to freedom from discrimination, is at the core of the human rights framework and is present in all human rights instruments. The DRTD provides a road map for promoting justice and dignity for all, and for combating racism in all its manifestations through the principle of the equality of opportunity for development. The DRTD affirms that “equality of opportunity for development is a prerogative both of nations and of individuals who make up nations.”<sup>18</sup> Key to this RTD goal is the elimination of historical and systemic obstacles that have impeded development in some regions of the world.

16. As outlined in the preambular paragraph of the DRTD, the obstacles to be eliminated include “the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war.”<sup>19</sup> The DRTD reinforces this point by enjoining states to take resolute steps to eradicate the violations of human rights of peoples affected by racism and racial discrimination.<sup>20</sup> The elimination of racism through the principle of equality of opportunity for development is therefore recognized as essential to fulfilling the RTD. This elimination of racism espoused in the DRTD is linked to the SDGs. As the General Assembly and the Human Rights Council have noted, the RTD is essential to the full realization of the 2030 Agenda and should be central to its implementation and operationalizing.<sup>21</sup> In its first thematic report on the “Operationalizing the right to development in achieving the SDGs,” the EMRTD noted that “Development as a right is guaranteed, empowering, non-discriminatory, and sustainable.”<sup>22</sup>

17. Racism as an obstacle to development has also been recognized by other international and regional organizations. The Organization of African Unity (the precursor organization to the African Union) passed a resolution in 1964 calling for the “total elimination of all forms of discrimination based on race, colour, or ethnic origin.”<sup>23</sup> In the Havana Declaration of 2016, State members of the Association of Caribbean States reaffirmed their “deep aversion to racism and all forms of discrimination, xenophobia, and intolerance of any other guise, in our Caribbean and globally.”<sup>24</sup> The Association of Southeast Asian Nation has called for economic cooperation and international partnerships aimed at promoting tolerance of racial, religious, and cultural diversity in the region.<sup>25</sup>

18. The European Commission Action Plan against Racism (2020) acknowledges that high levels of inequality arising from racism represent an obstacle to the achievement of 2030 Agenda and the SDGs.<sup>26</sup> The principle of equal development is reflected in the commitment

<sup>16</sup> A/RES/S-6/3201, Article 1.

<sup>17</sup> A/RES/39/163, Article 16.

<sup>18</sup> A/RES/41/128, preamble.

<sup>19</sup> A/RES/41/128, preamble. EMRTD’s emphasis.

<sup>20</sup> Article 5.

<sup>21</sup> A/RES/75/182; A/HRC/RES/45/6.

<sup>22</sup> A/HRC/48/63.

<sup>23</sup> AHG/Res. 1 (1); AHG/Res. 24 (1).

<sup>24</sup> Seventh Summit of the Association of Caribbean States (ACS), Havana, Cuba, June 4, 2016.

<sup>25</sup> Plan of Action to Implement the Joint Declaration on ASEAN-Australia Comprehensive Partnership (2008-2013), 13 June 2012.

<sup>26</sup> EU Anti-racism Action Plan 2020-2025, [ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en); The social and economic realities of racism and racial discrimination in the EU are also evident in the

of the SDGs to leave no one behind. It is manifest in Goal 10, which commits states to reduce inequality within and between countries, and in Goal 16, which aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.<sup>27</sup> Advancing equality of opportunity for development for all as envisioned in the DRTD and SDGs requires political commitment, transparency and accountability, impartial justice, equal access to services and meaningful participation for all, including those marginalized.

#### IV. Disparities in Human Development due to Systemic Racism

19. Racism and racial discrimination are barriers to the operationalization of the RTD in the context of state obligations and international cooperation as outlined in the DRTD.<sup>28</sup> At a *national* level, racism fractures the social cohesion of societies and impacts the wellbeing of vulnerable groups. Racial prejudices and systemic racial discrimination affect the wellbeing of racialized groups by denying them equitable access to social services (health, education, social protection, etc.), economic opportunities, justice, safety, and security. These effects of racism exacerbate poverty and inequalities. On an international level, racism and racial discrimination can result in the deprivation of transnational economic opportunities for individuals and of foreign direct investment and relief from debt for poor countries.<sup>29</sup> Discrimination based on national origin, ethnicity or religion limits the freedom of individuals to emigrate or access better educational or economic opportunities outside of their country of origin.

20. Racial inequalities and disparities are evident in many developmental areas including access to quality education, employment, justice, health, housing, social security, access to political participation, access to basic needs such as food, safe drinking water, and equal protection against the ravages of climate disasters. Minoritized racial and ethnic groups are generally further behind advantaged racial and ethnic groups in poverty, economic growth, and access to clean water and food, thus, an intersectional lens is necessary for exposing compound discrimination.<sup>30</sup> The discussion below outlines some of these racial disparities and their implications for the RTD.

##### a) Health and COVID-19

21. Individual and communal health and wellbeing are integral to the RTD. Research has shown a negative relationship between racism and health. Racial disparities are prevalent within the context of healthcare in many states and racism influences health throughout one's life span. Several UN organs have recognized and urged action over the evidence that in many countries there are severe health status disadvantages for marginalized ethnic and racial groups. The United Nations Development Programme reports that many health inequalities have social antecedents in various forms including gender, ethnicity, and race.<sup>31</sup> These health disparities undermine the equality of opportunity for development.

22. COVID-19 has laid bare the deeply rooted inequalities in societies and the multilayered and disproportionate direct impact that the pandemic has had on marginalized

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Special Eurobarometer 138: Racism and xenophobia in Europe, data.europa.eu/euodp/en/data/dataset/S193\_53\_0\_EBS138.

<sup>27</sup> A/RES/70/1.

<sup>28</sup> A/RES/41/128, Articles 1(1), 2(3), 3(1) and (3), 4(1), 6(1) and (3) and 10.

<sup>29</sup> Submission from Qatar.

<sup>30</sup> Society for the Psychological Study of Social Issues, "Beyond the Human Rights Rhetoric on 'Leaving No One Behind': Integrating the Elimination of Systemic Racism, and Racial and Ethnic Discrimination, into the Implementation of the SDGs," Statement in Commemoration of the 75th Anniversary of the United Nations, UN Headquarters, New York, 21 September 2020.

<sup>31</sup> United Nations Development Program, Human Development Report 2019: Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century, 2019, 58.

groups particularly on racialized communities.<sup>32</sup> The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has drawn attention to the connection between environmental racism and the right to health in the context of the COVID-19 pandemic. The impact of racial discrimination in the spatial planning of towns and cities has resulted in racialized communities living in areas that have high levels of air, land, and water pollution largely due to industrial activities. High-density spaces lead to poor ventilation and, as a result, to higher rates of chronic illness. These factors, worsened by the COVID-19 pandemic and its resulting social, environmental, and economic impacts have heightened the severity of disease and mortality rates for those living under such deleterious conditions.<sup>33</sup>

23. In many countries, there is a strong correlation between life expectancy at birth and population distribution by racial and ethnic group. For example, recent studies have shown that individuals of African descent in Brazil and the United States have a substantially lower life expectancy than the white population.<sup>34</sup> In Australia, New Zealand and Canada, aboriginal peoples also have a significantly lower life expectancy than other ethnic groups.<sup>35</sup> On average, a Dalit woman dies 14 years younger than one from an upper caste in India.<sup>36</sup> Roma populations across Europe have an average life expectancy that is between 5-20 years shorter, and face infant mortality rates 2-3 times higher than that of the general population.<sup>37</sup> These figures demonstrate how structural racial discrimination exacerbates inequalities in health care access and treatment leading to disparities in health outcomes and increased mortality and morbidity rates among racialized communities.<sup>38</sup>

24. Racial disparities have become especially apparent due to the COVID-19 pandemic. Communities comprised of Afro-descendant peoples, Latinx,<sup>39</sup> Roma,<sup>40</sup> and Indigenous peoples<sup>41</sup> suffer from intergenerational inequalities in access to healthcare and other social determinants of health. Further, they demonstrate higher infection, hospitalization, and death rates due to COVID-19.<sup>42</sup> The Special Rapporteur on Contemporary forms of Racism has reported on the failure of health-care professionals to accommodate racial, linguistic, cultural, and religious diversity which intensifies healthcare disparities. Failing to consider social determinants of health creates structural barriers to racial and ethnic minority communities’

<sup>32</sup> Elina Castillo Jiménez, “Racial Justice to the Forefront: Do Black Lives Matter in International Law?” in Morten Kjaerum, Martha Davis and Amanda Lyons, *COVID-19 and Human Rights* (New York: Routledge, 2021), 83.

<sup>33</sup> A/HRC/47/28.

<sup>34</sup> Alexandre Dias Porto Chiavegatto Filho, Hiram Beltrán-Sánchez and Ichiro Kawachi, “Racial Disparities in Life Expectancy in Brazil: Challenges from a Multiracial Society,” *American Journal of Public Health* Vol. 104, No. 11, 2014, p. 2156; M. Jermaine Bond and Allen A. Herman, “Lagging Life Expectancy for Black Men: A Public Health Imperative,” *American Journal Public Health* Vol. 106 No. 7, 2016, pp. 1167–1169.

<sup>35</sup> Bronwen Phillips, John Daniels, Alistair Woodward, Tony Blakely, Richard Taylor and Stephen Morrell, “Mortality trends in Australian Aboriginal peoples and New Zealand Māori,” *Population Health Metrics* Vol. 15 No. 25, 2017; Canadian Broadcasting Corporation, “Lifespan of Indigenous people 15 years shorter than that of other Canadians, Study Finds,” 23 January 2018, <https://www.cbc.ca/news/health/indigenous-people-live-15-years-less-philpott-briefing-1.4500307>.

<sup>36</sup> UN Women, *Turning Promises into Action: Gender equality in the 2030 Agenda for Sustainable Development*, 2018, 31.

<sup>37</sup> European Public Health Alliance (EPHA) “Closing the Life Expectancy Gap of Roma in Europe,” <https://epha.org/wp-content/uploads/2018/10/closing-the-life-expectancy-gap-of-roma-in-europe.pdf>.

<sup>38</sup> A/HRC/45/44, para. 16.

<sup>39</sup> Judith Morrison, “Exposure and Inequalities: African Descendants During COVID-19, UNDP Latin America and the Caribbean,” [latinamerica.undp.org/content/rblac/en/home/blog/2020/ser-afrodescendiente-durante-el-covid-19--exposicion-y-desiguald.html](http://latinamerica.undp.org/content/rblac/en/home/blog/2020/ser-afrodescendiente-durante-el-covid-19--exposicion-y-desiguald.html).

<sup>40</sup> Open Society Foundation, “Roma in the COVID-19 Crisis: An Early Warning from Six EU Member States,” [opensocietyfoundations.org/publications/roma-in-the-covid-19-crisis](https://opensocietyfoundations.org/publications/roma-in-the-covid-19-crisis).

<sup>41</sup> United Nations, Department of Economic and Social Affairs, “COVID-19 and Indigenous peoples,” [un.org/development/desa/indigenouspeoples/covid-19.html](https://un.org/development/desa/indigenouspeoples/covid-19.html).

<sup>42</sup> Society for the Psychological Study of Social Issues, “Beyond the Human Rights Rhetoric on ‘Leaving No One Behind.’”

access to health care. In some cases, the personal bias of healthcare professionals has detrimentally hindered the treatment of minoritized individuals with the COVID-19 virus.<sup>43</sup>

25. Several UN Reports have established the links between systemic racism and the COVID-19 pandemic. The Secretary-General's Report on Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerances recognizes that the COVID-19 pandemic has exacerbated existing inequalities and is likely to further reinforce social exclusion. COVID-19 has highlighted the deep socio-economic disparities and marginalization of racial and ethnic minorities.<sup>44</sup> For instance, the WGPAD notes that in the United Kingdom, women of African descent and men of African descent were respectively 4.3 and 4.2 times more likely to die of COVID-19 than their white counterparts; the largest disparity of any ethnic group.<sup>45</sup>

26. Data from the United States shows that the COVID-19 death rate for African Americans is more than double that of other racial groups in the country. The situation is similar in England and Wales, where the death rate for Black, Pakistani, and Bangladeshi people is nearly double that of white people, even when class and other health factors are considered.<sup>46</sup> In these and numerous other instances, the pandemic has brought racial disparity and discrimination to the surface in institutions designed to confer justice, equity, and redress.<sup>47</sup>

27. Studies have also documented the xenophobic and racist dimensions of the treatment of migrant workers and domestic workers in the Middle East and the Gulf in the context of COVID-19 pandemic.<sup>48</sup> Migrant workers in Gulf and neighbouring countries face racism and racial discrimination which denies them adequate health care and decent working conditions. This has exacerbated the impact on the COVID-19 pandemic on migrant workers. Migrant workers have been subjected to fierce campaigns led by official media calling for them to be deported from the countries in which they have been working, "while also facing racist speeches and hatred."<sup>49</sup>

## b) Housing

28. Housing is a key component of the RTD. Housing is not only a fundamental human right, but it is also a precondition for the enjoyment of many other rights, human dignity and overall well-being. Having a home is the first line of defence against extreme events and crises such as the COVID-19 pandemic.<sup>50</sup> Homes are essential for accessing job opportunities, hospitals, schools, food, sanitation, transportation, water, energy, and other public services. Regions susceptible to climate change hazards and natural disasters are occupied at a far higher rate by people of racialized communities and other minority groups. Combined with unequal access to emergency services, relief care and funds, inadequate

<sup>43</sup> A/HRC/45/44, para. 26.

<sup>44</sup> A/75/363

<sup>45</sup> A/HRC/45/44, para. 37.

<sup>46</sup> United Nations, "Address 'appalling impact' of COVID-19 on minorities, UN rights chief urges," [news.un.org/en/story/2020/06/1065272](https://news.un.org/en/story/2020/06/1065272).

<sup>47</sup> A/HRC/45/44.

<sup>48</sup> Ray Jureidini, "Migrant Workers and Xenophobia in the Middle East," United Nations Research Institute for Social Development, 2003, iv; Ray Jureidini, "Migrant Workers and Xenophobia in the Middle East," in Yusuf Bangura and Rodolfo Stavenhagen, eds. *Racism and Public Policy*, (London: Palgrave Macmillan); Jonathan Crush and Sujata Ramachandran "Xenophobia, International Migration and Development," *Journal of Human Development and Capabilities* 11, 2, (2010), pp. 209-228.

<sup>49</sup> Khalid Ibrahim, "Migrant workers face racism, hate and lack of health care across the Gulf and Neighbouring Countries," Gulf Center for Human Rights (GCHR), <https://www.gc4hr.org/news/view/2414>.

<sup>50</sup> Balakrishnan Rajagopal, "The pandemic shows why we need to treat housing as a right," *The Washington Post*, 7 May 2020, [washingtonpost.com/opinions/2020/05/07/pandemic-shows-why-we-need-treat-housing-right/](https://www.washingtonpost.com/opinions/2020/05/07/pandemic-shows-why-we-need-treat-housing-right/); Maimunah Mohd Sharif and Balakrishnan Rajagopal, "Housing must be at the heart of the COVID-19 response and recovery," *Devex*, 30 October 2020, [devex.com/news/opinion-housing-must-be-at-the-heart-of-the-covid-19-response-and-recovery-98448](https://www.devex.com/news/opinion-housing-must-be-at-the-heart-of-the-covid-19-response-and-recovery-98448).



housing and sanitation infrastructure heightens the probability of mortality, exacerbates poverty, and thus restricts the enjoyment of numerous fundamental human rights.

29. The Special Rapporteur on the Right to Adequate Housing has demonstrated that housing conditions for many peoples around the world are overwhelmingly abhorrent and too often violate the right to adequate housing; depriving them of their right to live in security and dignity.<sup>51</sup> Many of these marginalized people are racial and ethnic minorities who disproportionately face barriers to housing access and security. Apparent across many states is the absence of, or weak, specific policies that protect vulnerable and marginalized communities from discriminatory practices in the housing market. In addition, numerous countries do not conduct fair housing audits to ensure equal access and non-discrimination. Housing policies and practices in several countries has resulted in the segregation of racialized communities into urban housing enclaves with poor living conditions and limited access to social services and economic opportunities. Unfortunately, there are limited national and international mechanisms for holding those found to be engaged in discriminatory housing practices accountable.

### c) Employment

30. Gainful employment is integral to human and societal development. This is recognized in Goal 8 of the SDGs, which centres on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Although among the largest contributors to social and economic development in many countries, racial and ethnic minorities are often not recognized as such, nor do they enjoy a fair share of the resulting benefits.<sup>52</sup> Visible minorities and racialized communities experience higher instances of employment discrimination, exploitation, and insecurity. They are more likely to be unemployed or receive lower wages, and migrants are regularly forced into informal, low-paying, and unsafe work conditions.<sup>53</sup>

31. Racism and racial discrimination can exclude people from sustained and gainful employment, as well as be experienced at work through unfair treatment and harassment. Although many States have enacted laws prohibiting discrimination in employment, instances of race-based discrimination remain pervasive and are well-documented. For example, a UN report on the International Decade for People of African Descent states that people of African descent face disproportionately high rates of unemployment and are overrepresented in lower-paying jobs.<sup>54</sup> In Brazil, “Whites earn an average monthly income that is 84.50% higher than Blacks and 81.96% higher than mixed races.”<sup>55</sup> Further, institutional policies and practices systematically exclude racial minorities from job opportunities and subsequent employment decisions based on racial stereotypes reinforce prevailing patterns of discrimination.<sup>56</sup> As a result, people of African descent with tertiary education are almost twice as likely to be employed in low-skilled jobs than their white counterparts.<sup>57</sup>

32. As with housing and healthcare, legal remedies against discrimination do not always ensure equal employment opportunity in practice. In some States, non-discrimination and equal opportunity laws in the employment sector are either non-existent or inadequately enforced. In other countries, well-meaning affirmative action measures aimed at addressing longstanding racial disparities in employment face stiff political opposition from dominant

<sup>51</sup> A/74/183.

<sup>52</sup> A/74/308, para. 2.

<sup>53</sup> Ibid, para. 24.

<sup>54</sup> Ibid, para. 23.

<sup>55</sup> Alexandre Dias Porto Chiavegatto Filho, Hiram Beltrán-Sánchez, and Ichiro Kawachi, “Racial Disparities in Life Expectancy in Brazil: Challenges from a Multiracial Society,” *American Journal of Public Health* Vol. 104, No. 11, 2014, p. 2156.

<sup>56</sup> Julio Faundez, “Racism and Employment,” Proceedings of a Workshop to commemorate the end of the United Nations Third Decade to Combat Racism and Racial Discrimination, Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Educational, Scientific and Cultural Organization (UNESCO), New York, 2005, 53.

<sup>57</sup> A/74/308, para. 23.

groups, thereby hindering social and economic inclusion. Race-based employment discrimination undermines the principle of the equality of opportunity for development and remains a major obstacle to fulfilling the RTD globally.

**d) Education**

33. In many countries, race and ethnicity continue to have a significant impact on education access and outcomes. Contemporary disparities in education are traceable to the legacies of historical racism embedded in atrocities of slavery and the inequities of colonialization. These disparities have implications for the RTD. Education is crucial to realizing the RTD as it facilitates the enjoyment of other rights such as access to better employment, health care, political participation, and often contributes to breaking poverty cycles.<sup>58</sup> The former Special Rapporteur on the right to education, Katarina Tomaševski, emphasized the imperative of including those historically excluded from access to education due to racist motives.<sup>59</sup> The promotion of tolerance and a respect for diversity within education, both institutionally and within family systems, are key in changing longstanding discriminatory values, attitudes and behaviours.<sup>60</sup>

34. Systemic inequities in the allocation of educational resources and discriminatory practices within education systems disadvantages racialized communities. For instance, it is well documented that in some countries children from racial minority groups are disproportionately placed in low-achieving classes and receive higher rates of disciplinary action in schools than their peers.<sup>61</sup> These discriminations are worsened by the underrepresentation of teachers and administrators from racial and ethnic minority communities, as well as the insufficient inclusion in school curricula of the cultures and histories of minority peoples and groups.

35. Educational disparities result in inordinately negative outcomes for racial minority students and their communities. In accordance with the Durban Declaration, the UN Secretary General has recommended that States put programs in place to eliminate inequalities of access for racialized minorities, update curricula to be inclusive of, and respectful to minority cultures and histories, and to hire, retain, and promote educators belonging to under-represented groups.<sup>62</sup>

36. Race-based disparities in the education sector have also been heightened by the COVID-19 pandemic. The pandemic has demonstrated how discretion licenses systemic racism in education. The WGPAD has noted that globally, for students of African descent, “learning loss” from interruption of the academic year, or a lack of resources, may be misdiagnosed as lack of student aptitude, thereby reinforcing the racial bias of educators.<sup>63</sup> This has the potential of sustaining and perpetuating structural racial biases in educational sectors.

**e) Policing and Administration of Justice**

37. Racial and ethnic minorities do not enjoy access to equitable justice in many countries. Minorities are overrepresented in criminal justice enforcement and underrepresented within the institutions that adjudicate crime and punishment.<sup>64</sup> Further, members of racial, ethnic, and other minorities or vulnerable groups often face harassment, arbitrary detention and abusive treatment in within law enforcement systems. These trends are reflected in policing practices, criminal prosecutions, trials, sentencing and imprisonment and have had lasting

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<sup>58</sup> A/74/308, para. 16.

<sup>59</sup> Katarina Tomaševski, “Racism and Education,” Proceedings of a Workshop to commemorate the end of the United Nations Third Decade to Combat Racism and Racial Discrimination, 68.

<sup>60</sup> Durban Declaration and Programme of Action, “World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance,” 2001, para. 95.

<sup>61</sup> A/74/308, para. 20.

<sup>62</sup> Ibid, para. 3; Durban Declaration and Programme of Action, para. 97.

<sup>63</sup> A/HRC/45/44, para. 75.

<sup>64</sup> Durban Declaration and Programme of Action, para. 25.

consequences on racialized communities. The killing of George Floyd by police in the United States brought global attention to the ongoing police violence against people of African descent. People of African descent face discrimination, violence and violations of their rights in all areas of the administration of the justice system. This includes the surveillance and over-policing of the communities and areas in which they live, resulting in “extremely high rates of police brutality, racial profiling, harsher sentencing, mass incarceration and poor prison conditions.”<sup>65</sup>

38. Pervasive racial profiling of visible ethnic minorities by law enforcement forces is apparent in many States. Members of racial minority groups are subject to a disproportionately high number of identity checks which disrupts their everyday lives and discourages an impression of social belonging. They are regularly stopped, interrogated and searched by the police on the sole grounds of race or colour.<sup>66</sup> One report indicates that in the United States, Black people are nearly three times more likely to be killed by a police officer than white people, even though they are 1.3 times more likely to be unarmed.<sup>67</sup> In 2020, Black people were 28% of those killed by police despite being only 13% of the population. Only .01% of all police killings in 2020 led to charges being filed against the officer and even fewer led to convictions.<sup>68</sup>

39. The High Commission for Human Rights has noted that while there is a lack of comprehensive official disaggregated data in individual countries regarding police killings of people of African descent, available data paints “an alarming picture of system-wide, disproportionate and discriminatory impacts on people of African descent in their encounters with law enforcement and the criminal justice system in some States.”<sup>69</sup> Law enforcement officers are rarely held accountable for human rights violations and crimes against racialized communities due in part to deficient investigations, a lack of independent and robust oversight, and few or no complaint and accountability mechanisms.<sup>70</sup> Considering that all human rights and fundamental freedoms are indivisible and interdependent, such violations of civil rights also constitute violations of the RTD. Specifically, the DRTD enjoins states to take steps to eliminate obstacles to development resulting from failure to observe civil and political rights.<sup>71</sup>

40. Racism and racial bias in policing and administration of justice have other implications for collective human security, which is essential to fulfilling the RTD. The DRTD calls on states to take “appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.”<sup>72</sup> Goal 16 of the SDGs aims at promoting “peaceful, and inclusive societies” which is premised on the recognition that limited access to justice is a threat to sustainable development and that principles of equality and non-discriminations are necessary foundations for a prosperous and sustainable world.

41. Similarly, the Durban Declaration recognizes that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict, are very often some of its key consequences, and recall that non-discrimination is a fundamental principle of international humanitarian law.<sup>73</sup> The Durban Declaration calls for justice for victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically. Victims of racism and racial bias in policing and the administration of justice should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies including the right to seek

<sup>65</sup> A/74/308, para. 41.

<sup>66</sup> [coe.int/en/web/commissioner/-/afrophobia-europe-should-confront-this-legacy-of-colonialism-and-the-slave-trade](https://www.unhcr.org/refugees/2020/07/16/afrophobia-europe-should-confront-this-legacy-of-colonialism-and-the-slave-trade) HUMAN RIGHTS COMMENT Afrophobia: Europe should confront this legacy of colonialism and the slave trade.

<sup>67</sup> Mapping Police Violence, <https://mappingpoliceviolence.org>.

<sup>68</sup> Ibid.

<sup>69</sup> A/HRC/47/53; A/HRC/47/CRP.1.

<sup>70</sup> Ibid.

<sup>71</sup> Article 6 (3).

<sup>72</sup> Article 8.

<sup>73</sup> Durban Declaration and Programme of Action, para. 20.

just and adequate restitution for any damage suffered as a result of such discrimination. These rights are enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>74</sup>

**f) Political Exclusion and Alienation**

42. The rise of nationalist populism in some countries and its association with racist political discourse, anti-immigration policies, racial and ethnic discrimination, and xenophobic anxieties, fosters the increased marginalization and alienation of racialized communities and places them in precarious social, cultural, legal and physical conditions.<sup>75</sup> This has adverse implications for the equality of opportunity of development for both individuals and communities. Development is a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.<sup>76</sup> Political inclusion and civic participation is therefore essential to fulfilling the RTD but in terms of State obligations and international cooperation.

43. Violent and exclusionary nationalist ideologies and political platforms based on notions of racial superiority or discrimination, such as neo-Nazism and neo-Fascism, pose a threat to political participation and civic inclusion of racial and ethnic minorities. As noted in the Declaration on the Right to Development, such doctrines of racial superiority and prejudice contribute to the establishment of circumstances propitious to the development of a great part of humankind.<sup>77</sup> With the rise of populist nationalism in some States, the exclusion or marginalization of racial and ethnic minorities from political processes constitutes a major obstacle to the realization of the RTD. For example, the Council of Europe has noted that across Europe, the Roma have been collectively subjected to political exclusion, stigmatization, and socio-economic discrimination. This is partly the consequence of xenophobic statements by leading politicians which has been exploited by extremist groups in several European countries. This results in violation of the rights of Romani people across several sectors including access to housing, employment, education, and healthcare.<sup>78</sup>

44. Exclusionary political ideologies founded on race can be rebuffed by reaffirming cultural diversity as a cherished asset for the advancement and welfare of humanity which should be valued, accepted and embraced as a permanent feature which enriches our societies.<sup>79</sup> The perpetuation of false, misleading, stereotyped and racist representations of minority groups and individuals in media, including those on the internet, has greatly contributed to the spread of racist, xenophobic, sexist and other discriminatory attitudes, ideals and in some cases, encourages physical violence.<sup>80</sup> States, CSOs, informational technology and social networking corporations, and the media all have key roles to play in fostering positive ideals of multiculturalism and combatting racist political ideologies and racially discriminatory political doctrines.

## V. Racism, International Cooperation and Global Partnerships

45. The DRTD stipulates that states “have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.”<sup>81</sup> It also stipulates that “States have the duty to take steps, individually and

<sup>74</sup> Ibid, para. 104.

<sup>75</sup> Ibid, para. 27.

<sup>76</sup> A/RES/41/128, preamble.

<sup>77</sup> A/RES/41/128, preamble.

<sup>78</sup> Commissioner for Human Rights, Council of Europe, Human rights of Roma and Travellers in Europe, Strasbourg, 2010, 8-9.

<sup>79</sup> Durban Declaration and Programme of Action, preamble.

<sup>80</sup> Ibid, para. 88-91.

<sup>81</sup> A/RES/41/128, article 3.

collectively, to formulate international development policies with a view to facilitating the full realisation of the right to development”.<sup>82</sup> Beyond the collective actions by States at international organizations or in other global or regional partnerships, the duty of states to operationalize the RTD extends to refraining from adopting national policies that impair the RTD of those outside their jurisdictions. The realization of the RTD therefore requires full respect for the principles of international law concerning relations and cooperation among States. States are urged to promote a new international economic order based on sovereign equality and cooperation among all States. All States should cooperate to promote and strengthen universal respect for human rights for all without distinction as to “race, sex, language or religion.”<sup>83</sup>

46. The “rights-based development” framework which has been widely adopted by international organizations, development agencies and practitioners, seeks to align the objectives of development policies and practices to specific human rights norms as enshrined in international human rights instruments. Central to these norms is the principle of non-discrimination, inclusive participation, equality, and equity.<sup>84</sup> This aligns with Goal 17 of the SDGs which seeks to “strengthen the means of implementation and revitalize the global partnership for sustainable development.” This includes promoting non-discriminatory and equitable multilateral trading systems under the World Trade Organization and its related international development agendas.

47. Despite these principles and provisions, racism and racial discrimination remain obstacles to international cooperation and global partnerships in the context of the RTD, as has been made clear here, and in other preceding reports. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance has highlighted the colonial antecedents of the doctrines of international law that pose barrier to combatting racism and racial discrimination at a global level.<sup>85</sup>

48. The submissions from States, CSOs, and other stakeholders to EMRTD questionnaires for this study indicate that several stakeholders consider racism to be a major obstacle to international cooperation and partnerships on the RTD.

49. The major points raised by stakeholder submissions include the following:

- a) Racism dehumanizes and marginalizes peoples thereby creating inequities in economic and social development between states.<sup>86</sup>
- b) Racism manifests in international development through a lack of diversity in aid and development organizations. Leadership positions at the helm of these multilateral and bilateral organizations do not reflect diversity in race or nationality.
- c) Racism and prejudice in the international development sector creates mistrust between recipients and aid organizations and is therefore an obstacle to international cooperation. This undermines the principles of UN Charter and the DRTD relating to the achievement of international cooperation in “solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race.”<sup>87</sup>
- d) The recent rise in nationalist political movements in certain rich donor countries has fostered an increase in racist and xenophobic ideology. These groups reject open and free international exchange and advocate protectionist measures that undermine the scenarios of international cooperation. Political pressure from these movements negatively impacts these countries’ abilities to contribute more generously to international development and

<sup>82</sup> Ibid, article 4(1).

<sup>83</sup> Ibid; EMRTD’s emphasis.

<sup>84</sup> United Nations Development Group, UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming, (New York, 2003).

<sup>85</sup> A/74/321, para. 10.

<sup>86</sup> Submission by Malta.

<sup>87</sup> A/RES/41/128, preamble.

cooperation efforts. It is important that countries move away from such leadership if what we seek is peaceful coexistence and global human development.<sup>88</sup>

50. These concerns were reinforced in stakeholder consultations undertaken for this study. Several civil society respondents drew attention to a culture of covert racism and racial bias in the ranks of international organizations, NGOs, academics, and private sector organizations involved in development work. These concerns have also been acknowledged by the UN Secretary General who, in 2020, initiated a series of dialogues to examine racism and racial discrimination within the UN system.<sup>89</sup>

## VI. Addressing Racism in the Context of the Right to Development

51. Despite 75 years of the UN's anti-racism engagement, racism and racial discrimination persist today as pervasive and destructive to national and global forces.<sup>90</sup> This underscores the need for renewed commitment by States and concerted action by the international community to address the disparities and inequalities in human development due to racism and racial discrimination. In these efforts, CSOs must play a crucial role of holding governments and international organizations accountable to their human rights obligations and commitments to non-discrimination and equality of opportunity for development using UN mechanisms including treaty body mechanisms such as CERD, and the special procedures. As societies become ever more multi-ethnic, multi-religious and multicultural, we need greater investments in inclusivity and cohesion to harness the benefits of diversity for all humanity rather than perceiving it as a threat.<sup>91</sup> The international community is called upon to reaffirm commitments to universal human rights and common values that enshrine equality and dignity for all, within and beyond the framework of the RTD.

52. Some states and regional bodies have, over the past few years, taken steps to address systemic racism and racial discrimination within their jurisdictions. These include laws, policies and other pragmatic interventions that address racism in the context of operationalizing the RTD for enhanced implementation of the SDGs. The EMTRD recognizes that in some cases, anti-racism and non-discrimination have been integrated into the formal education and training of officials working in public institutions, including those involved in operationalizing national development agendas. Several States have introduced measures to hold public institutions and private organizations accountable for racial discrimination in key sectors related to the RTD such as employment, housing health and education.

53. From State responses to the questionnaire for this study, the EMTRD notes that some States and regional organizations have taken proactive steps to address racial discrimination in the broad context of national development. Measures include national anti-racism agendas and action plans such as: the National Council to Prevent and Eradicate Discrimination, and the National Discrimination Survey (Mexico); the National Policy for a Society free of Racism, Racial Discrimination and Xenophobia, and the Action Protocol in Situations of Racial Discrimination and Xenophobia (Costa Rica); the National Agenda for the Equal Rights of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People (Ecuador); the National Office Against Racial Discrimination (Italy); and the National Directorate of Racial Ethnic Equity, Migrants and Refugees (Argentina).

54. These interventions can help address racial discrimination as an obstacle to fulfilling the RTD. However, such measures and interventions need to be continually assessed and re-evaluated to ensure that they are meeting the goal of combatting systemic racism. States,

<sup>88</sup> Submissions by Qatar.

<sup>89</sup> UN holds dialogues to examine racism in its ranks, <https://news.un.org/en/story/2020/11/1078152>.

<sup>90</sup> Society for the Psychological Study of Social Issues, "Beyond the Human Rights Rhetoric on 'Leaving No One Behind.'"

<sup>91</sup> United Nations, Overcoming Racism Demands Action 'Every Day, at Every Level,' Secretary-General Stresses, in Message to Human Rights Council.

CSOs and international organizations are enjoined to share good practices, shortcomings and lessons learned in addressing racism in the context of operationalizing the RTD and achieving the 2030 Agenda for Sustainable Development. The 2030 Agenda, which is grounded in international human rights norms and informed by the DRTD, provides a comprehensive framework for combating racism and racial discrimination and dismantling structural and systemic barriers to sustainable development for groups facing racial discrimination.

## VII. Measurement, Assessment and Accountability

55. Research and racially disaggregated information are vital to anti-racism policies, and assessment mechanisms are essential to identifying and remedying incidents of racial discrimination. Put simply, we cannot adequately tackle a problem that we cannot properly identify, document, or measure. Despite calls by several UN human rights experts for disaggregated data for groups protected by international law, only limited attention has been focused on collecting and disaggregating data on discrimination affecting racial and ethnic populations.<sup>92</sup> Some States are still reluctant to collect and publish disaggregated data on racial and ethnic grounds, for several reasons ranging from concerns that evidence of inequalities might undermine national unity and nation-building, or trigger conflicts in diversified societies.<sup>93</sup> However, the urgent need to redress the harms of systemic racism through publicly available data outweighs these considerations.

56. A key theme that has emerged in this EMRTD study is the absence, or inadequacy, of indicators for assessing racial discrimination and the effectiveness of national and international anti-racism laws, policies, and programs. For instance, our understanding of the links between race and health status, race and vulnerability to disease, race and gender, and race and poverty remains limited by the lack of disaggregated information on race.<sup>94</sup> According to the Special Rapporteur on Adequate Housing, “[t]he primary impediment to understanding the impact of COVID-19 on the right to adequate housing has been the lack of disaggregated data to show the impact in terms of gender, race and caste or along other lines.”<sup>95</sup> Similarly, the WGPAD has noted that while available disaggregated data highlights the racial disparities present in prevention, infection, and treatment of COVID-19 in many States, the lack of uniform, universal disaggregated data also compounds the impact on people of African descent. The failure to keep disaggregated data facilitates and conceals human rights violations against racialized communities.<sup>96</sup>

## VIII. Conclusions and Recommendations

### a) Healthcare and COVID-19

**57. Given the devastating health and social impact of COVID-19 on underserved racialized communities in several states, the EMRTD calls on States to take proactive targeted measures to protect vulnerable individuals and communities. Like other indicators of healthcare disparities, race should be considered in ongoing vaccine distribution alongside compounding risk factors such as medical condition, essential/frontline worker status and age. States and local health authorities should consider vulnerable racialized and minoritized groups high priority for COVID-19 immunization.**

**58. At an international level, the EMRTD reiterates its previous call on States to combat vaccine nationalism and to cooperate to bridge the vaccine divide both within**

<sup>92</sup> Society for the Psychological Study of Social Issues, “Beyond the Human Rights Rhetoric on ‘Leaving No One Behind.’”

<sup>93</sup> A/HRC/48/72.

<sup>94</sup> Kevin Boyle, “Introduction,” Proceedings of a Workshop to commemorate the end of the United Nations Third Decade to Combat Racism and Racial Discrimination, (2003), 10.

<sup>95</sup> A/75/148, para. 6.

<sup>96</sup> A/HRC/45/44, para. 71.

and between States.<sup>97</sup> A key step in this regard is to formally declare and operationalize COVID-19 vaccines as a global public good. In the efforts to provide equitable vaccine access to all countries, the World Health Organization's COVAX program should consider racial health disparities nationally and globally. The EMRTD welcomes the proposed pandemic treaty or a more comprehensive system of International Health Regulations to facilitate the effective prediction, prevention, detection, and assessment of, and the response to, future pandemics in a collective and coordinated manner.<sup>98</sup> Such international health regulatory framework is essential to a more sustainable, equitable and inclusive world.

**b) Housing**

59. Safe, affordable, and stable housing is key to accessing the enjoyment of other rights. The EMRTD calls on governments, CSOs and relevant international organizations to conduct regular, fair housing audits and ensure non-discriminatory renting and buying policies. This should be accompanied with state-led targeted aid in the acquisition of housing for vulnerable racialized individuals and groups through investment, funding, rent control, and building initiatives.

**c) Employment**

60. States should address racial discrimination in access to employment through special measures such as affirmative action or other targeted policies and programmes to fulfil the RTD and meet the SDGs. States and other stakeholders should institute and sustain processes to promote diversity and sensitivity training in the workplace. Such interventions should be evidence-based and data-driven. States should encourage and facilitate the self-identification of intersecting factors that adversely impact employment prospects such as race, ethnicity, and gender. States should enact or strengthen safeguards and anti-discrimination legislation in workplaces to ensure equitable standards of employment, including recruitment and promotions. States should promote these inclusive initiatives comprehensively and in a way that addresses opposition and backlash from dominant groups.

**d) Education**

61. In accordance with Goal 4 of the SDGs, States should institute and sustain mechanisms to eliminate racial disparities in education and ensure equitable and inclusive quality education and promote learning opportunities for all. Policies aimed at bridging the education divide should be linked with employment interventions. Access to higher education and vocational training will aid in access to employment. School curriculum and teaching materials should reflect culturally relevant information and include the histories and contributions of all communities, especially those susceptible to racial and ethnic discrimination. Curricula should be updated to include historical information about racism including the slave trade, colonialism, segregation, and ongoing police and systemic injustice and violence. Texts should reflect the histories and cultural contributions of Indigenous, minority and racial groups fairly.

62. The EMRTD reiterates the call in the Durban Declaration for states to put programs in place to eliminate inequalities of access for racialized minorities and update curricula to be inclusive of, and respectful to minority cultures and histories, and to hire, retain, and promote educators and administrators belonging to under-represented groups.<sup>99</sup> Educational institutions should enshrine a mandate of acceptance and diversity. These changes will offer students and staff insight into inclusive policy and curricula and encourage understanding and respect for diversity.

**e) Policing and justice**

<sup>97</sup> COVID-19: UN experts urge WTO cooperation on vaccines to protect global public health, 1 March 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26817&LangID=E>.

<sup>98</sup> World Health Organization, "Global leaders unite in urgent call for international pandemic treaty," <https://www.who.int/news/item/30-03-2021-global-leaders-unite-in-urgent-call-for-international-pandemic-treaty>

<sup>99</sup> A/74/308, para. 3; Durban Declaration and Programme of Action, para. 97, 137.



63. Recent police violence and protests have brought into stark reality the pervasiveness of racism within the systems of justice and governance in many countries. States should take proactive steps to combat racism and racial discrimination in policing and justice systems. This should include racial and cultural sensitivity training for law enforcement personnel and ensuring justice and accountability in cases of racial discrimination.

64. Proportional representation of racial minorities should be sought out and encouraged by States within policing agencies, administration, and court systems through recruitment initiatives and ongoing inclusive policy re-evaluations. The EMRTD calls on states to ensure that emergency measures enacted due to COVID-19 pandemic should not be used as justification for police harassment and violence, unjust imprisonment, improper care of inmates, or the surveillance of racialized and vulnerable communities.

65. The EMRTD reiterates the High Commissioner for Human Rights' call upon all States to adopt whole-of-government and whole-of-society reforms and responses to racial disparities and inequities in policing and justice systems.<sup>100</sup> States must show stronger political resolve to accelerate action for racial justice and equality, including by taking concrete steps to "implement the recommendations made by United Nations and regional human rights mechanisms, national commissions of inquiry, national human rights institutions and equality bodies."<sup>101</sup> These interventions should take the form of adequately resourced and sustained national and regional action plans and concrete measures developed through national dialogues with the meaningful participation of racialized communities.

66. State interventions to address racial disparities and foster equality of development should centre on substantive equality rather than formal equality. Substantive equality interventions should consider the impacts of historical inequities, contemporary discrimination, and the disproportionate effect of laws and policies on the lives of racialized individuals and communities.

f) Media

67. Members of the media are encouraged to promote messages of inclusivity and diversity. Journalists, writers, and broadcasters should both be representative of a diverse group as well as being well-trained in diversity and sensitivity to all the intersections of compounding discrimination. The use of negative stereotyping, racial slurs or the promotion of racial hierarchy should be condemned by media regulating bodies. Further, States should develop accessible educational initiatives that offer individuals the tools to critically engage with media sources in order to encourage the ability to question validity and note potential bias in media accounts.

g) International Cooperation

68. Along with sovereign equality, States should make non-discrimination, inclusive participation, and equality of opportunity for development cardinal principles in fulfilling their duty to cooperate to promote international development. International cooperation and partnership for development should centre on promoting and strengthening universal respect for human rights for all without distinction as to race, gender, nationalism, language, or religion.

h) Development Organizations and Agencies

69. International development work should be guided by the core principles of equality, non-discrimination and inclusive participation. International organizations, NGOs and private sector organizations involved in development work should put in place mechanism to identify and combat racial bias and other forms of discrimination in their ranks. Special measures should be put in place to ensure diversity in leaderships and staffing of these organizations. Development agencies and financing for

<sup>100</sup> A/HRC/47/53; A/HRC/47/CRP.1.

<sup>101</sup> A/HRC/47/53, para.67; A/HRC/47/CRP.1, para. 312.

development stakeholders should collect disaggregated data on the impacts of development interventions on racialized groups to ensure that they are enjoy equal benefits with other groups and are not disproportionately disadvantaged. This includes building the capacity of CSOs and racialized communities to bring complaint of racial discrimination before national, regional and international monitoring and accountability mechanisms particularly those relevant to development financing such as the Compliance Advisor Ombudsman of the International Finance Corporation and the Multilateral Investment Guarantee Agency affiliated with the World Bank Group.

i) **Measurement and Accountability**

70. To address the information deficit in the efforts to combat racism, the EMRTD recommends that States collect and publish disaggregated data that considers race and other social determinants to highlight existing disparities and to encourage international cooperation and strategies for preventing and combatting systemic social discrimination. The UN Statistical Commission should take the lead on collecting and making accessible human rights data disaggregated by race among other identifiers. Disaggregated racial and ethnic data should be included in State reporting in relation to compliance with the ICERD and in Member States Voluntary National Reviews used to assess progress on the SDGs.

71. The EMRTD recommends that States and international organizations should adopt robust accountability measures such as Race Disparity Audits (RDAs) at national and local levels, Equality Impact Assessments (EIAs), race-data inclusive Human Rights Impact Assessment (HRIAs), and other measures to redress the adverse impact of refugee, immigration, and border enforcement policies on racial equality. As the EMRTD noted in its first thematic study, assessments such as HRIAs are especially important for establishing national and international conditions favourable to realizing the RTD.<sup>102</sup> They are also important when States take collective action at international organizations that have the potential to either impede or promote the realization of the RTD or SDGs. Information and data from such assessments should be easily assessable and widely available for use by all levels of government, civil society, and international actors.

72. Related to measurement and assessment is the question of accountability. As the Special Rapporteur on RTD has noted, “It is only possible to give effect to the right to development if there are adequate accountability mechanisms and remedies in the case of violations.”<sup>103</sup> To address the obstacle that racial discrimination poses to fulfilling the RTD, states and other stakeholders must develop robust accountability mechanism where they do not exist, and strengthen and make more accessible, existing institutional grievance mechanisms such as national courts, administrative procedures, complaints mechanisms and national human rights institutions.

73. The EMRTD is committed to working closely with all stakeholders in providing expert advice on and guidance in combatting systemic discrimination and promoting equality of opportunity for development in operationalizing the RTD.

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<sup>102</sup> A/HRC/48/63, para. 45, 46.

<sup>103</sup> United Nations Special Rapporteur on the Right to Development, Guidelines and Recommendations on the Practical Implementation of the Right to Development, OHCHR, 2020, p. 25.