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**Human Rights Council
Advisory Committee
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Item 3(e) of the provisional agenda **Requests addressed to the Advisory Committee stemming from Human Rights resolutions:
Advancement of racial justice and equality**

 Advancing racial justice and equality by undoing systemic racism (preliminary title) prepared by Frans Viljoen, Rapporteur of the drafting group

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 I Introduction

 A. Mandate and background

1. In its resolution 48/18, “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance”, the Human Rights Council underscored the importance of political commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance. It requested the Advisory Committee “to prepare a study in which it examines patterns, policies and processes contributing to incidents of racial discrimination and makes proposals to advance racial justice and equality, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals, in consultation where possible with the Office of the High Commissioner and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement established by the Human Rights Council in its resolution 47/21, and to present the study to the Human Rights Council at its fifty-fourth session”.[[1]](#footnote-2)

2. The Advisory Committee started work on this study at its 27th session, when a drafting group was established. The current members of the drafting group are: Buhm-Suk Baek, Nadia Amal Bernoussi, Milena Costas Trascasas, Ajai Malhotra, Nurah Alamro, Patrycja Sasnal, Dheerujlall Seetulsingh and Catherine Van de Heyning (Chair) and Frans Viljoen (Rapporteur). The Advisory Committee took note of and built on its report “Moving towards racial equality: study of the Advisory Committee on appropriate ways and means of assessing the situation”,[[2]](#footnote-3) in which it recommended that states develop “methodological and analytical frameworks to effectively address structural discrimination and inequality”,[[3]](#footnote-4) and concluded that “more resolute action” is needed to “effectively tackle entrenched structural and systemic racism”.[[4]](#footnote-5)

3. A considerable number of normative outputs by participants in an extensive institutional network provide rich guidance on issues related to racial justice.[[5]](#footnote-6) The main international norms are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Durban Declaration and Programme of Action (DDPA). The main monitoring mechanisms are the Committee on the Elimination of Racial Discrimination (CERD Committee); the Special Rapporteur on contemporary racism, xenophobia and related intolerance (SRR); the Working Group of Experts on People of African Descent (WGPAD); and the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (Independent Expert Mechanism on Law Enforcement).

4. In thinking through the methodology and delineation of this study, the Advisory Committee took careful note of these norms and institutions. Based in particular on the words “patterns, policies and processes”, this study goes beyond highlighting incidents of racism, to examine what lies at the roots of racial injustice. In many respects, this study provides a synthesis of UN treaty norms and soft-law standards. A questionnaire was circulated among States and relevant stakeholders, and experts were consulted. The Advisory Committee is grateful for all these valuable inputs. In addition, the study draws from the comprehensive contributions of the OHCHR, in particular its Four Point Agenda,[[6]](#footnote-7) various UN and regional human rights treaty bodies, UN special mechanisms, and scholars.

 B. Terminology

5. Based on the realization that the concept “race” has no basis in human genetics or biology, international human rights has moved beyond racial categories determined by corporeal or phenotypical markers towards an understanding of “race” as a social construct.[[7]](#footnote-8) Even if it is a social construct, race has a very real impact of people’s lives. As a biological category, race essentialises observable characteristics or lineage, and gives rise to **racism** based on notions of **racial superiority.**[[8]](#footnote-9)Because race is not a predetermined, immutable, hereditary or pre-existing category, but is constantly being ascribed or attributed, it is more appropriate to refer to “racialised” (rather than “racial”) communities. Race is often ascribed from a position of power, to dominate or exclude,[[9]](#footnote-10) but may also be based on self-identification when a person is not ascribed but *subscribes* to a racial identity or identifier.[[10]](#footnote-11) Data based on self-identification may serve useful purposes in racialised societies, such as enabling the implementation of “positive measures”.

6. We adopt the definition of “racial discrimination” under ICERD, namely, “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 equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.[[11]](#footnote-12) “Racial justice” is in this study conceived as “systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all”; and the “presence of deliberate systems and supports to achieve and sustain racial equity through proactive and preventative measures”.[[12]](#footnote-13) At its core, “racism” is a complex system of racial hierarchies, inequities or antagonism directed against someone of a different race based on the belief that one’s own race is superior.

7. Racism can manifest as individual conduct, in societal attitudes and behaviour, and in institutional practices.[[13]](#footnote-14) Conduct such as racial slurs, race-based sexual assault, racist tweets, xenophobic violence and acts of police brutality are often reported widely, sensationalised and inflame moral panic. Focusing on individual incidents and interpersonal conduct is aligned to a neoliberal understanding of racism, in which the phenomenon of racism is reduced to individual choice. By delving below the surface appearance and going beyond summation of individualised acts, this study acknowledges that “explicit and violent manifestations of racism are only the tip of the iceberg – the expression of more entrenched and profound problems afflicting societies”.[[14]](#footnote-15) Racial inequality and injustice is not perpetuated by the accumulation of individual actors’ biases and actions, but by the cumulative effect on racialised persons of a *system*, in which tangible or intangible interactive and interdependent parts function as a whole towards bringing about an explicitly or implicitly agreed outcome.[[15]](#footnote-16)

8. This study departs from an understanding of the Advisory Committee’s mandate under resolution 48/18 as aiming to draw attention to “structural” and “institutional” racism. “Structural” racism is defined as “the set of norms, rules, routines, patterns, attitudes, and standards of behaviour, both de jure and de facto, that give rise to a situation of inferiority and exclusion against a group of persons in a generalized sense, with these traits perpetuated over time and even generations”.[[16]](#footnote-17) “Institutional racism” is a related concept and refers to the policies and practices in institutions that have the effect of producing outcomes that continuously disadvantage or favour a particular racial group. The term may also relate to pervasive beliefs and accepted ways of doing things within an institution (referred to as “institutional culture”). This study opts to mainly use the term “systemic racism” to capture both “structural” and “institutional” racism. In the OHCHR’s formulation, the term entails “the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin” and often manifests itself “in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism”.[[17]](#footnote-18) The power of “systemic racism” derives from its being “integrated into a unified system of racial differentiation and discrimination that creates, governs, and adjudicates opportunities and outcomes across generations”.[[18]](#footnote-19)

9. While awareness of the structural causes of racism is not new, the term “systemic racism” entered the mainstream lexicon and has become the central narrating frame of analysis since 2020. George Floyd’s death and the devastation of the Covid-19 pandemic have revealed the disproportionate burden placed on racialised communities in the spheres of criminal justice and health. Although some UN bodies,[[19]](#footnote-20) and regional human rights mechanisms,[[20]](#footnote-21) had used the term “systemic racism” before 2020, the frequency of its use increased dramatically from 2020. Its use became integral to the framing of racism by the Human Rights Council,[[21]](#footnote-22) UN special mechanisms,[[22]](#footnote-23) the High Commissioner for Human Rights,[[23]](#footnote-24) the Advisory Committee,[[24]](#footnote-25) UN human rights treaty bodies,[[25]](#footnote-26) regional human rights bodies,[[26]](#footnote-27) and governments.[[27]](#footnote-28) The angle of “systemic” is particularly appropriate because it aims to capture the pervasive and permeating persistence of racial injustice and racism.

 C. Scope and focus

10. This report deals with “systemic racism”. Its focus does not fall on systemic racism in law enforcement or the criminal justice system, so as to avoid overlap with the mandate of the Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement to report on “the root causes of *systemic racism in law enforcement and the criminal justice system*, the excessive use of force, racial profiling and other human rights violations by law enforcement officials against Africans and people of African descent”.[[28]](#footnote-29)

11. While race, racism and racialisation exist across the world, they present differently in different contexts and countries. Since communities and groups have been racialised in different contexts, racial categories are not universal; the same term may be understood differently in different contexts. The study’s focus is wider that “people of African descent”. It takes into account the broad array of grounds for non-discrimination under ICERD, and includes particularly, people of Asian and Middle Eastern descent, Indigenous peoples, and Roma/Sinti/Travellers. These categories also shift over time. A particular context determines if a group is disproportionately affected by racism.[[29]](#footnote-30)

12. The study recognises the importance of taking intersectionality into account. Every person has multiple intersecting identities, and can experience discrimination related to a single aspect, or based on more than one aspect of their identity. Discrimination based on race can intersect with discrimination based on ethnicity, national origin, language, sex, gender, socio-economic status, sexuality, age, migratory status, health status, (dis)ability, political affiliation, religion, and so on. An intersectional approach to racism captures the interaction between multiple forms of discrimination or systems of subordination. Racism intersects with other biases, such as sexism, patriarchy, homophobia, xenophobia, agism and ableism, and can disproportionately affect individuals and groups at the intersection of two or more protected characteristics.

 II. Manifestation of systemic racism

 A. Context

13. Systemic racism may manifest itself in any society in which “racially unequal opportunities and outcomes” are to some degree “inbuilt or intrinsic to the operation of a society’s structures”.[[30]](#footnote-31) These societies include those where the descendants of persons enslaved as a result of the Transatlantic slave trade live (together with the descendants of those responsible for the slave trade); and countries in which colonial settlement took place. Systemic racism is also likely to be present in States that had in place but subsequently formally abolished a legalised system of racial discrimination, such as “apartheid”. In so far as the globalised effect of racism has permeated our world, no State is left entirely unaffected by systemic racism. Systemic racism results in disproportionate poverty among racialised groups in all regions of the world.[[31]](#footnote-32)

 B. A challenge to Agenda 2030 and the SDGs

14. Systemic discrimination challenges States’ ability to implement the 2030 Agenda for Sustainable Development and the attainment of its Goals (SDGs). Meeting the SDGs requires the dismantling of systemic barriers grounded in racial discrimination. The SDGs have moved inequalities centre stage by requiring that development “leaves no one behind” and “and reach the furthest behind first”.[[32]](#footnote-33) Numerous goals and targets include a focus on inequalities and the advancement of communities that have historically experienced discrimination. Systemic racism affects several aspects of the SDGs, including those related to housing (goal 11), education (goal 4), health (goal 3), employment (goal 8), political participation and representation (goal 10), children in care (goal 1) and environmental justice (goal 1).

15. Also relevant is Goal 10, which focuses on reducing inequalities within and among countries. Grave economic inequalities between countries characterise the current world order. The world is divided into “developed” and “developing” countries along an axis that closely corresponds with the legacies of colonial dispossession. The North-South divide represents unequal economic power, and has resulted in concrete harms, exemplified by the disproportionate effect of the dumping of toxic waste on marginalized communities in the global South and the exploitation of the natural resources of poorer countries by transnational corporations in richer countries. The burden of the climate crisis is also falling disproportionately on communities that have been subject to historic exploitation, discrimination and marginalization such as Indigenous communities and low-lying island States in the Global South.[[33]](#footnote-34)To make matters worse, the international development framework has neglected and exacerbated these global inequalities.[[34]](#footnote-35)

16. The SDGs and Agenda 2030 has had a limited impact on reversing systemic inequalities, in part due to not adopting an explicit human rights-based approach, as reflected by not making mention of two UN instruments core to the attainment of racial justice, ICERD and DDPA. While some targets mention “race”, this ground disappears in indicators, data sources and monitoring processes.[[35]](#footnote-36) Vulnerable minorities, and in particular Indigenous peoples, have not only largely been excluded from national development activities, but have also been marginalised in the 2030 Agenda.[[36]](#footnote-37) The way in which systemic racism manifests itself in respect of a number of illustrative rights is now tracked with reference to selected examples.

17. Systemic racism manifests itself in spatial inequality. Settlement patterns over decades have in many countries resulted in ethnic minority populations disproportionately living in the poorest residential areas, such as inner-city urban and de-industrialised areas, where they are exposed to crime and overcrowding, with limited opportunities for employment and good schools.[[37]](#footnote-38) De facto residential segregation persists, even after official segregation has long been disallowed.[[38]](#footnote-39) “Redlining”, a practice that puts services such as mortgage loans out of reach for residents living in neighbourhoods classified as “hazardous” to [investment](https://en.wikipedia.org/wiki/Investment) due to the racial makeup of their residents, exclusionary zoning and land-use laws and policies further perpetuate residential racial segregation.[[39]](#footnote-40) The level of homelessness is also often significantly higher among racialised groups than the general population.[[40]](#footnote-41) While race is not officially a factor in the process of allocation of housing, discriminatory practices against racialised groups in obtaining home loans contributed to lower than average home ownership.[[41]](#footnote-42) As a group, ethnic minority households are also much more likely to rent than White households and thus spend a higher proportion of their incomes on rent. Indigenous peoples who migrate to urban areas disproportionately live in marginalized areas and informal settlements with limited access to basic services such as sanitation, drinking water and public transportation[[42]](#footnote-43)

18. Inadequate access to education by racialised communities results in the transmission of poverty from generation to generation within these communities, giving credence to the notion that school is a place where inequalities are reproduced.[[43]](#footnote-44) Some groups and individuals, including people of African descent, minorities, Roma, Indigenous peoples, and victims of caste-based discrimination, still experience low quality of education, and are discriminated against and even segregated from other learners in schools. **Students from ethnic and racial minority groups are more likely to be labelled ‘at risk’**.[[44]](#footnote-45) Schools attended predominately by racialised students are also [chronically underfunded.](https://www.theatlantic.com/business/archive/2015/09/public-school-funding-and-the-role-of-race/408085/) Despite efforts towards ensuring access, patterned discrimination manifest itself in disparities with regard to racial and ethnic minorities and indigenous peoples in respect of their access to education, retention and completion rates, and academic achievement.[[45]](#footnote-46) These disparities are reinforced by factors such as racial stereotyping in educational texts, de facto segregation in schools or classrooms, underrepresentation of teachers from these communities, and a lack of mother tongue education in indigenous languages.[[46]](#footnote-47) Indigenous peoples are less likely to access education in comparison to non-indigenous populations. Geographical isolation mostly through forced displacement, often result in the loss of culture, language and identity, which contributes to major disparities in their education completion rates.[[47]](#footnote-48)

19. UN mechanisms, the CERD Committee and national bodies have highlighted the disproportionate healthburden on ethnic and racial minorities.[[48]](#footnote-49) Due to factors such as the inability to grow traditional foods and associated changes in diet, and the loss of traditional medicines, worldwide indigenous peoples experience disproportionately poor health outcomes, reduced life expectancy and higher levels of diabetes, tuberculosis and suicide.[[49]](#footnote-50) The Covid-19 crisis has brought the consequences of existing health inequalities suffered by people with a minority racial or ethnic background into the spotlight.[[50]](#footnote-51) Because members of racialised communities do not generally have the means to acquire private health insurance, very few among them access private health insurance, leaving them dependent on State-run comprehensive health insurance systems, which are often ineffective and inaccessible.[[51]](#footnote-52) Research shows that unconscious bias also affects the quality of care that women of African descent receive.[[52]](#footnote-53)

20. Most states have laws in place that make employment discrimination on the basis of race or ethnic origin illegal. However, in many states the reality is different. The European Fundamental Rights Agency reports a much higher rate of young people of North African origin, African descent or from Roma communities “not in work, education or training, compared to the general population”;[[53]](#footnote-54) and lower renumeration among persons in these populations with a tertiary degree, compared to the general population. In 2020, Pacific men earned 24 per cent of what New Zealand European men earned.[[54]](#footnote-55) People of African descent across the world face barriers in obtaining employment.[[55]](#footnote-56) The intersection of racialised and gendered processes has caused overscrutiny of women of African descent in the workplace, with some black women for example being discriminated against owing to the appearance of their hair.[[56]](#footnote-57)

21. Racial profiling disproportionately affects particularly young black and Afro-descendant males. Racial, which is a prime example of systemic racism in the administration of criminal justice, seems to be prevalent in all places where racialised persons live. Based on the stereotype that stigmatizes or “profiles” them as potential “criminals”, people of African descent and Roma, in particular, have been disproportionately targeted by law enforcement officials, are disproportionately arrested, and sentenced to disproportionately severe sentences.[[57]](#footnote-58) The disproportionate effect of the criminal justice system on young black and Afro-descendant men is exacerbated in racialised societies embarking on targeted criminalisation of drug possession (“War on Drugs”), such as Australia, Brazil, Canada, Indonesia, the UK, and USA. In these countries, young Black, Brown, Afro-descendant and Indigenous men are disproportionately incarcerated, both as detainees awaiting trial and as sentenced prisoners due to racially biased enforcement of laws criminalising the use, possession, distribution and trafficking of petty amounts of drugs.[[58]](#footnote-59) As the WGPAD noted in 2019, “the war on drugs has operated more effectively as a system of racial control than as a mechanism for combating the use and trafficking of narcotics”.[[59]](#footnote-60)

22. Political participation is particularly important to historically marginalized groups of citizens, in order to ensure that they are an integral part of national democratic deliberation and decision-making. In contemporary racialised societies, systemic racism appears not from outright prohibition, but from more subtle ways in which the meaningful and effective exercise of the right to vote of these communities is compromised. The continued de facto exclusion of members of these communities from political participation is often statistically stark due to ‘gerrymandering’ or redistricting of the boundaries of voting districts in first-past-the-post electoral systems that minimise the weight attached to a particular groups’ votes.[[60]](#footnote-61) At face value, the disqualification from voting of persons convicted of and serving sentences for certain offences has no overt racial implications. However, in practice, racialised minority prisoners are often disproportionately excluded.[[61]](#footnote-62) Restriction in the modalities for voting may also be facially neutral but disproportionately deny voting rights to an already-disadvantaged group.[[62]](#footnote-63) The requirement of a fixed address inhibits voter registration among Indigenous peoples.[[63]](#footnote-64) On numerous occasions, the CERD Committee and WGPAD have decried the low and disproportionate levels of political representation of representation by Africans, Afro-descendants in settler societies, and of Indigenous peoples in both settler and colonised countries, in state institutions such as parliaments.[[64]](#footnote-65)

23. Racial disparities occur at almost every stage of the decision-making process in the child welfare system. In countries across the world, disproportionate numbers of children of African descent, indigenous children and children belonging to racial and ethnic minorities are removed from their families and placed in foster care; and are less likely to be adopted.[[65]](#footnote-66) Historically, Indigenous children were removed from their families and ‘civilized’ by placing them in state-run residential schools. Persistent overrepresentation of indigenous children in out-of-home care reveals how these practices have become systemically part of the child welfare system.

24. Environmental racism describes institutionalized discrimination involving “environmental policies, practices or directives that differentially affect or disadvantage individuals, groups or communities based on race”.[[66]](#footnote-67) Areas heavily populated by people of African descent and other racialised minorities are in many parts of the world exposed to environmentally hazardous activities such as landfills and toxic waste disposal, and earmarked for the construction of industries, mines, factories and coal-fired powerplants in their close vicinity. As a result, the right to a safe, clean, healthy and sustainable environment of the people living in these areas is often disregarded, and high rates of asthma and cancer have occurred among these populations.[[67]](#footnote-68) Projects by extractive industries routinely dislocate Indigenous peoples without their free, informed and prior consent, depriving them from their land and contaminating their livelihoods.[[68]](#footnote-69)

 III. New trends and accelerating factors

25. The last decade has seen humanity struggling with an increase in migration; the ever-increasing digitalisation of society, accelerating climate change and the global Covid-19 epidemic. Pre-existing structural and systemic inequalities caused these developments to perpetuate and amplify existing inequalities and therefore exacerbate systemic racism.

 A. Migration

26. Systemic racism may also be present in countries that are ethnically diverse due to more recent patterns of migration. Migration has become a dominant feature of the 21st century. Among IDPs, Indigenous peoples and members of caste groups are often disproportionately burdened with hardship through loss of property due to inadequate security of tenure.[[69]](#footnote-70) Statelessness often results from longstanding discrimination against racial and ethnic minorities, indigenous peoples and religious groups.[[70]](#footnote-71) Over time, patterns of migration culminated in more ethnic, cultural, linguistic and religious diversity in host countries. In many of these countries, migrant populations are racialized as ‘non-white’, or ‘Muslim’. A rise in extreme right-wing racist ideology and xenophobic ethno-nationalism has resulted in scapegoating, hate speech, racial violence, racial and ethnic profiling, and Islamophobia. Electoral success of right-wing political parties especially in the global North threatens to significantly reverse advances towards racial justice. The overlap between xenophobia and racialisation makes racialized migrants vulnerable to discrimination and exclusion along racialized lines. Deep-seated racial discrimination emerged from the difference in priority accorded to those fleeing the Ukrainian-Russian war who were of a ‘European’ and non-European origin (such as ethnic minority Ukrainians and black Africans).

 B. Digital technologies

27. Digitalisation amplifies existing inequalities. In non-electrified rural areas, for example, the shift to online learning prompted by Covid-19 restrictions has rendered illusory the right to education for many children from racialised rural communities. Emerging digital technologies driven by big data and artificial intelligence are further entrenching racial inequality, discrimination and intolerance.[[71]](#footnote-72) Devices, applications, protocols and algorithms are being developed in disregard of current racial inequalities or are developed based on existing biased assumptions. Patterns of pre-exiting racism may easily be reinforced and “automated” because those who design and adopt digital tools such as algorithms “are not thinking carefully about systemic racism”.[[72]](#footnote-73) Researchers for example found that an algorithm, which aims to identify patients for enrolment in “high-risk” medical care programmes, prioritised white above black patients.[[73]](#footnote-74) Although the algorithm did not use race as a predictor, its use of health costs as a “label” to predict illness resulted in the institutional practice of lower spending by health providers on black patients being reproduced and perpetuated. The use of artificial intelligence to analyse large sets of data in order to predict criminality can amplify bias and disproportionally target ethnic minorities. Algorithms based on historical crime records or statistics can create a “feedback loop”, because its biases are replicated, thus reinforcing discriminatory policing practices.[[74]](#footnote-75) In addition, social media has been abused to spread hate speech and deliberate misinformation targeting people of African descent, resulting in further racism, discrimination, social exclusion and segregation. By providing a conduit for polarisation and radicalisation, online platforms are instrumental in upholding world views on which systemic racism is premised. While action has been taken against some extreme forms of white supremacy, these platforms generally failed to address the software and policies that enhanced the influence of white supremacist messages through their recommendation engines, advertising interfaces, and algorithms.[[75]](#footnote-76)

28. From a macro perspective, algorithm-driven racial discrimination can be connected to a global divide between North and South. Because algorithms resemble their creator, biases of creators are embedded at every level of the tech design process, from conception to production and distribution. Combining with tech company’s commitments to colorblindness, it leads to the amplification of otherness and to the neglect and exclusion of groups that do not look like the creators. Despite the global South’s endeavors for tech-independence, this issue cannot be easily solved as the global South are “recipients” of ready-made technologies and algorithms from North.[[76]](#footnote-77)

29. At the same time, digitalisation has long been regarded as a turning point in the fight against structural and systemic inequalities because of its potential to be disruptive and breaking barriers. The smartphone and internet have resulted in connecting citizens around the globe and enabling communication, education and business beyond national borders. Access to smartphones allows eyewitnesses or victims to become citizen journalists, and access to social media platforms allows them to challenge the status quo by widely disseminating their recordings.[[77]](#footnote-78) In that sense, digitalisation has an unprecedented potential for creating a more equal world and breaking cycles of systemic and structural racial inequality.

 C. Climate change

30. Climate change is without doubt the most pressing challenge for humankind. The consequences of climate change and environmental pollution are already being felt around the globe. Within regions and countries it is reported that racially disadvantaged populations are more affected by current consequences of climate changes, such as draughts, storms and wildfires.[[78]](#footnote-79) Even if they have contributed least to the problem of climate change, Indigenous peoples are disproportionately vulnerable to climate change and suffer some of its worst impacts because many of them depend on ecosystems that are particularly prone to the effects of climate change and extreme weather events such as floods, droughts, heatwaves, wildfires and cyclones.[[79]](#footnote-80) As such, climate change further amplifies existing racial inequalities. Due to limited participation in political, societal and economic power structures, their voices have limited impact in climate change negotiations whereby the threat of climate change remains unmatched by effective action. This is true at the regional and national level where polluting industry is all too often developed in regions where predominantly racially disadvantaged communities reside. It is true as well on the global scale where the particularly affected racial communities do not have a seat at the decision-making table on climate change mitigation.

 D. Covid-19 epidemics

31. Covid-19 intensifies systemic discrimination. The Covid-19 epidemics reminded that global health is interconnected. An infected person in one part of the world can result in a global health threat with unprecedented health, social and economic impact. However, while the virus does not discriminate on the basis of race, the policies taken to tackle the virus did. Due to existing structural and systemic racial inequalities, racially disadvantaged communities and persons were disproportionality affected. Their restricted access to correct information, health care and medicine along with often lesser adequate sanitation, living conditions and pre-existing health issues connected with inequality and marginalization, resulted in higher numbers hospitalization, mortality and long-term health effects for racially disadvantaged groups.[[80]](#footnote-81) Further, reliable data on the impact of such groups were often lacking. Preventive measures, such as lockdowns, in particular affected marginalized groups, including those disadvantaged on the basis of their race, because often social compensations were lacking or not equally distributed. Covid-19 gave rise to xenophobia, stigmatization and an increase in overt violence especially against persons of Asian descent. Finally, when vaccines were developed, these were in particularly made available to the global North and to racially advantaged groups.[[81]](#footnote-82)

 IV. National measures to advance racial justice

32. Although much progress has been made in various domains towards dismantling systemic racism, as a whole these efforts have failed to transform the deep-seated foundations and structures that uphold racial inequality. Lack of progress is often linked to a failure to conceive and implement interventions focused on “system transformation”.[[82]](#footnote-83) The systemic nature of racism calls for a systemic response – a whole of government and whole of society approach. Such an approach entails effective coordination between government departments cutting across all levels and locations. It further entails the active and meaningful involvement of all cross sections of society to chart a path forward for the eradication of the roots of racism in the particular state. It also calls for involvement of racialised communities, including activists, in the design, implementation and evaluation of laws, policies, programmes and processes affecting them. Nothing about them without them. Together, these stakeholders should take on the task of identifying and developing tailor-made country-specific initiatives to undo systemic racial barriers and gaps. Calling a national anti-racism dialogue or “national convention” to candidly examine and understand racism and racial discrimination, especially its systemic aspects, as key barriers to development, and how to overcome them, is suggested as a national starting point. Whatever course is chosen to address the issue, the government must show commitment at the highest political level, and must be prepared to devote the required resources to support national action plans and strategies. The overall approach should recognise the need for tailoring measures to different groups and individuals with the aim of addressing intersecting inequalities.

 A. Race-disaggregated data

33. Accurately assessing the extent to which various racial and ethnic minorities suffer discrimination is impossible without reliable disaggregated data. UN treaty bodies uniformly lament that the lack of reliable data not only impedes meaningful implementation of States’ treaty obligations, but also undercuts their monitoring role. These bodies have in their reporting guidelines and Concluding Observations repeatedly highlighted the crucial role of reliable empirical data. A call for data, specifically disaggregated by race and related grounds, has become a recurrent refrain not only in the recommendations by the CERD Committee, but also in the reports of all UN special procedures dealing with issues of race.[[83]](#footnote-84)

34. Disaggregation of data aims to reveal trends and patterns that would not be observable from aggregated data, such as the disproportionate burden of inequality on disadvantaged groups. Without the qualitative analysis of data disaggregated by race or ethnicity, it would be impossible to eradicate systemic inequality. Disaggregated data enables the design and monitoring of progress of measures to reverse trends and undo patterns, including by adopting “special measures”.[[84]](#footnote-85) It makes patters visible, and provides evidence to counter arguments based on the perception that structural racial injustice does not exist. Disaggregated data assists in accurately identifying those “who have been left behind”, and who is the “furthest behind”. However, disaggregation without concerted and comprehensive governmental action aimed at eliminating the identified disparities – reaching those most out of reach -- would not only be futile, but potentially endanger social cohesion.

35. To be most useful to address systemic racism, data-gathering and analysis should meet the following requirements:[[85]](#footnote-86) (i) Data-gathering and use should be based on a human rights-based approach. Such an approach entails that disaggregated data is used to identify multiple and intersecting forms of discrimination towards a particular group.[[86]](#footnote-87) It also aims to ensure accountability, through tools such as race disparity audits, equality impact assessments and human rights impact assessments that include data on race disparities.[[87]](#footnote-88) (ii) A country’s national, regional and local administrations, including its national statistical agencies and equality bodies, if any, should be co-responsible to collect and keep up to date reliable information about the population as a whole and about disadvantaged groups. (iii) The categories and definitions used to identify targeted “disadvantaged groups” should be clear and applied consistently so as to make comparison possible. These categorisations should reflect the diversity among and within these groups, for example, among people of African descent. A person’s choice of category must be voluntary,

and must be based on self-identification. (iv) Data collection should capture the exacerbated and qualitatively different experiences found at the intersections of race and other aspects of identity. (v) Data should be collected to shed light on indicators relevant to systemic racism. Country-specific economic, social and political indicators should be identified in domains most likely to reveal patterns of racial discrimination, such as life expectancy, access to mental and physical health care, infant and maternal mortality, children in care, literacy rate, highest level of education, employment in State institutions and key professions, housing, average disposable income, and unemployment rate. (vi) In order to properly capture the systemic nature of racial discrimination, data-collection should include historical perspectives, identifying patterns and trends over time. (vii) To ensure transparency and facilitate participation, data should be published in freely and easily accessible formats. (viii) Explicit consent must be provided for collection of data, in conformity with data protection regulations and privacy guarantees. States should take measures to minimise the abuse and the erosive effect on right to privacy and non-discrimination of the use of artificial intelligence in data-gathering. (ix) The State should ensure the meaningful participation of people from different ethnic groups to better understand the language and terminology that they identify with,and collaborate with private institutions and civil society partners in disaggregated data collection, particularly in respect of data in the private domain. (x) Under SDG 17, target 17.8, countries in need of capacity-building to collect high-quality disaggregated data should seek technical cooperation.

 B Structural overhaul and reprioritisation

 1. Positive measures and affirmative action

36. Positive measures, including affirmative action, is required to eliminate historical, systemic and persistent disparities between one segment of the population and racialised minorities that impede the attainment of equality and racial justice. Such measures may be executive, administrative, budgetary and regulatory in nature, as take the form of plans, policies, programmes and preferential regimes in favour of disadvantaged groups, in both the public and private sphere. Human rights treaties, including ICERD, recognize the need for affirmative action measures to act as an exceptional and temporary tool to remedy structural discrimination against racialised groups that have been systematically disadvantaged.[[88]](#footnote-89) Human rights bodies have repeatedly urged States to adopt positive measures to eradicate poverty and social exclusion of Afro‐descendants and Indigenous peoples, and particularly women and persons with disabilities within these groups, with a focus on higher education, employment, health, housing and social security, representation in decision-making bodies, and measures to revive indigenous and Afro-descendant languages.[[89]](#footnote-90) States should adopt detailed implementation plans and targets with specific time frames setting out special measures across all relevant public and private bodies.[[90]](#footnote-91) The temporary nature of such measures is crucial and such measures should not lead to the establishment of permanent special measures but should be discontinued as soon as the objectives of the special measures have been attained. Affirmative action should not be seen as a substitute for structural measures, such as investment in social housing in poor neighbourhoods, increased funding for schools or employment policies.[[91]](#footnote-92)

 2. Prioritise social services for most marginalised and eradicate poverty

37. States should prioritise measures to eradicate extreme poverty and hunger, and invest in health, education and social protection, with a focus on the most marginalised. Achieving the 2030 Goals and targets requires dismantling the structural and systemic barriers to sustainable development that exist for racialised communities. Persistent end widening wealth inequalities fundamentally impede opportunities to those with the least wealth, which disproportionately includes racialised communities. Owning one’s own home is the most common way to accumulate wealth. Home ownership is critical to access comprehensive public services. Having employment is also crucial to a life free from poverty. States should prioritise targeted measures to bridge wealth inequalities, in particular by way of adopting and implementing measures to broaden home ownership; improve security of tenure; financially support small businesses and entrepreneurs; and provide for social protection as a safety net.

 3. Access to quality education for children of racialised groups

38. Members of racialised communities are empowered through access to education. Education acts as a multiplier in enhancing other human rights and freedoms, such as the right to work, freedom of expression, and the right to health, and equip groups with the skills to achieve economic and social mobility. Better access to free public education consequently enable those benefiting to break the cycles of multidimensional poverty and discrimination, which is underlying systemic discrimination against them. One of the reasons why racialised groups remain trapped in poverty is the continued marginalization they suffer in accessing education. Realizing the right to education for all children should be the cornerstone of strategies directed at reducing poverty and discouraging discrimination.[[92]](#footnote-93) States should therefore take all necessary measures to ensure access to members of marginalised and excluded racialised groups to available, acceptable and adaptable education, including pre-school and higher education. Going beyond an enabling legal framework, States should take measures such as offering education in a country’s minority languages, putting in place school-based feeding schemes especially at primary school level, providing important logistical tools such as transport, canteens and boarding schools, and adopting and implementing special measures or affirmative action, in particular for tertiary education.[[93]](#footnote-94)

 4. Overhaul criminal justice

39. States should implement the recommendations emerging from the Independent Expert Mechanism.[[94]](#footnote-95) States should immediately eliminate racial profiling,[[95]](#footnote-96) excessive use of force targeting young back and Afro-descendant men, for example by requiring the use of body-worn video cameras by all law enforcement officials. All States should undertake a comprehensive and thorough review of their laws, policies and practices on drug possession and sentencing, with a view to reduce the overrepresentation in correctional facilities of persons of one racialised category. States should regularly assess and report on the impacts of drug prohibition on racialized communities through collection and analysis of disaggregated data.

 C. Public advocacy and awareness-raising

40. Initiating interventions to alter mindsets toward racial justice will have great reverberating effects across the system.

 1. Sensitisation and education of the general public through mass media

41. The way in which people with a minority racial or ethnic background are portrayed in the media,and whether they are represented at all, can reinforce negative stereotypes, with their under-representation in media professions further reinforcing this trend. An independent and pluralistic media is necessary for balanced democratic debate. Promoting balanced and positive narratives, increasing the awareness and knowledge of journalists, as well as fostering media literacy, are crucial ways to contribute to inclusive societies.[[96]](#footnote-97) State must invest resources in awareness-raising campaigns to sensitize the public to the realities and challenges faced by persons victims of racism, intolerance and discrimination. Redirecting deeply-embedded and society-wide attitudes and worldviews pertaining to race and ethnicity requires large-scale measures with a wide reach and a broad appeal, such as popular TV series. Positive portrayal of racialised groups in mass media have been shown to positively affect stereotypes and attitudes on race, and reduce prejudice. Media representations of ethnic, indigenous and other groups should therefore be based on principles of respect, fairness and the avoidance of stereotyping or intolerance. States should encouraging media pluralism, including facilitation of access to and ownership of media by minority, indigenous and other groups, including media in their own languages. Human rights sensitisation training, focused on attaining racial justice, should be made available to non-state and civil society actors such as journalists, CSOs, and business people. Where relevant, the State should contribute to develop a new understanding of racialisation, which should entail challenging especially white persons to critically examine their own racialization, their role and place in racial framework, to confront unexamined assumptions and develop a positive, privilege-cognizant white identity.

 2. Education to undo racism

42. Education should be a means to change deep-seated biases and prejudices, which are instrumental to maintain systemic racism. State parties to ICERD undertake to provide immediate and effective teaching and educational programmes to combat race-based prejudices and to promote understanding, tolerance and friendship among racialised groups.[[97]](#footnote-98) Multicultural and anti-racist pedagogical approaches both have a role in education in diverse societies. While multiculturalist pedagogies celebrate diversity and focus on preparing learners for life in a heterogenous society, anti-racist pedagogies fosters critical analytical skills to reveal the power relations behind institutionalized racism. Education that inculcates the values of respect for diversity and anti-racist norms should start at the pre-school level, since at an early age children are at their more susceptible to absorb values that may interrupt the perpetuation of intergenerational racism. States should in both public and private schools, ensure that the contents of textbooks and education curricula are modified so that they reflect the contemporary diversity of the society, deal with the history and culture of racialised groups, and provide a better understanding of contemporary inequalities. Where relevant, these processes should tap into indigenous forms of knowledge. In societies with a history of enslavement and colonial settlement, school curricula should raise awareness and understanding about the “still existing historical debt with the Afro‐descendant people”,[[98]](#footnote-99) and the contribution of marginalised groups such as Afro‐descendants and Indigenous populations to nation-building. It is important that this be done in an inclusive way, allowing for critical thinking, without re‐victimizing and with an aim to eliminate racist attitudes within society, and enable the supportive and inclusive coexistence of former colonizers and former colonized peoples, to both feel an authentic sense of belonging to a multi-racial nation. Teaching colonial history in an immersive way can bring those benefiting from this history to recognise their own racialised privileges.[[99]](#footnote-100) States should effectively finance and robustly implement such programmes, and establish indicators to measure the effectiveness of the programmes and periodically apply those indicators to evaluate progress and make adjustments.[[100]](#footnote-101) Teachers at all levels of education should undergo specialized training in how to prevent racism, xenophobia and other forms of discrimination. Educational authorities at the national and provincial levels should develop and oversee the implementation of such curricula together with the affected communities.

 3. Training of public servants

43. All public bodies need to be equipped to understand, pay attention to and address any form of discrimination, including systemic discrimination. States should implement mandatory training for public servants and other State officials (in particular, police and other law enforcement officials, lawyers, judges, teachers, military personnel, humanitarian workers and staff involved in peacekeeping and peace-building operations, as well as local government entities and associations), based on international standards and relevant national legislation and policies, to combat institutional racism within all public institutions. These trainings should foster an improved understanding of the role of race in inter-group relations, and result in a public administration able to overcome racial stereotypes and prejudice. Indicators should be established to measure the extent to which officials implement this training.

 4. Research related to systemic racism

44. States should encourage research and allocate resources to support individual researchers and universities and other research institutions examining the underlying causes of and solutions to structural racism in various spheres of human endeavour. While in some contexts there may be a need for greater inclusion of ethnic minorities in these forms of research,[[101]](#footnote-102) the “burden of noticing race” should not be transferred to members of racialised groups or communities.[[102]](#footnote-103) Relatively little research has been devoted to gauge the effectiveness of comprehensive anti-racist interventions. Research is needed to identify the most effective strategies to reduce negative stereotypes, racial prejudice, and discrimination in the general public and within societal institutions. Fully understanding the multiplicity, cross-cutting and multi-pronged nature of systemic racism requires multi-, inter- and trans disciplinary research that interrogates the social determinants of racism.[[103]](#footnote-104) More research also need to be done to conceptualise, and eventually operationalise, reparations. Research topics should also focus on the historical and contextual work on dismantling racism, including the history of racism and resistance; the evolving understanding and definition or race and racism; dismantling systemic racism with a focus on higher education through “affirmative action” or other positive measures; and the legal consequences of growing acceptance of the legacy of colonialism for international state responsibility including the general obligation to make reparation for the damage caused by these policies. An example of a  research centre focusing on revealing the impact of British slavery slave-ownership on the formation of modern Britain and, in particular, the implications of the Slave Compensation Act 1837, is the Centre for the Study of the Legacies of British Slavery, University College, London.

 D. Legal and policy reform, and institutional measures

 1. International human rights law

45. Formal adherence to international human rights treaties provides an important normative anchor to advance racial justice. CERD, the UN treaty most specifically addressing the issue of racism, enjoys near-universal ratification.The principle of non-discrimination based on race is enshrined in all eight the other core UN human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Beyond these core human rights treaties, other treaties adopted at the global level, such as the UN Convention on the Status of Refugees and the 1967 Protocol thereto, as well as International Labour Organization Indigenous and Tribal Peoples Convention 169 of 1989 (ILO 169), are also of relevance to refugees and Indigenous peoples. Bearing in mind the indivisibility of all human rights, Regional human rights treaties complement UN treaties, and often deal with thematic concerns in a region-specific and more detailed way than UN treaties. States that have not become party to these treaties are encouraged to do so. Treaty ratification is not an end in itself. The primary obligation on state parties is to give domestic effect to and implement the treaty provisions though domestication.[[104]](#footnote-105)

46. The most immediate obligation on state parties is to submit periodic reports in which they set out and assess the nature and extent of domestic implementation of treaty commitments. Irregular or infrequent reporting deprives the treaty bodies from opportunities to examine the human rights record of state parties. This examination often reveals concerns of a systemic nature, which if left unaddressed, may escalate to widespread violations and reinforce systemic racism.[[105]](#footnote-106) Reporting or visits by special mechanisms are not ends in themselves. Reporting and visits by special mechanisms should serve as an opportunity to engage in constructive dialogue and requires the implementation of Concluding Observations or recommendations. Too often, subsequent reports or visits reveal that inadequate response and lethargy by States.

47. Reservations detract from the full effect of human rights treaties. States that have reservations to CERD and other relevant human rights treaties in place should remove them.[[106]](#footnote-107) The ILC observed that a reservation limiting the implementation of a right “to a particular racial group or excludes a particular racial group from the enjoyment of the treaty right, may well be found to violate the generally recognized peremptory norm of general international law prohibiting racial discrimination”.[[107]](#footnote-108)

 2. National law

48. States should in their Constitutions explicitly guarantee race as a ground for non-discrimination, and entrench as principles the values of equality, non-discrimination, anti-racism, and non-racialism. They should draw inspiration from India’s formal abolition of “Untouchability” in the Indian Constitution, and Rwanda’s inclusion in its Constitution on the representation of “historically marginalized groups”.

49. A comprehensive system of protection against discrimination requires an effectively enforced legal framework. Rights and obligations are in the first place set out in national legislation. Comprehensive anti-discrimination laws provide an important starting point.  In the absence of such frameworks, discrimination is likely to persist on myriad grounds and in all areas of life. Enforcing existing antidiscrimination laws, even if not exclusively focused on race, can be used to address systemic racism. Yet, in 2022, despite these repeated commitments, many UN member states lack effective and genuinely comprehensive legal frameworks for the prevention of discrimination and promotion of equality. Member States should adopt comprehensive anti-discrimination legislation.[[108]](#footnote-109)

50. While general antidiscrimination legislation is welcomed, it is imperative that states adopt anti-discrimination legislation focused specifically on the prevention and eradication of ethnic-racial discrimination (anti-racism laws). This legislation should be contextual and where relevant or required, deal specifically with systemic racism, its root causes and their eradication. An examples is the Canadian2017 Anti-Racism Act, which recognizes the distinct nature of anti-Black racism and the need to address it on an ongoing basis, and requires the Government of Ontario to maintain an anti-racism strategy that aims to eliminate systemic racism and advance racial equity, which must include “initiatives to assist racialized groups that are most adversely impacted by systemic racism”.[[109]](#footnote-110) The legislative framework should criminalise racist hate speech, taking into account General Recommendation 35 (2013). Twenty years after the Durban Conference, the OHCHR reported that 42 States have adopted or amended legislation prohibiting racial discrimination.[[110]](#footnote-111)

51. States should review their legislation to eliminate indirect targeting of racialised communities. Laws that are used disproportionately against racialised communities and do not serve a justifiable social need, such as vagrancy or nuisance laws, should be abolished. Also, states should adopt a social housing law with specific protections against forced evictions as a means of protecting the poor from evictions. States should consider ending the criminalization of drug use and personal possession to curb the racialized impacts of drug prohibition.

 3. Anti-racism National Action Plans

52. The adoption of anti-racism national action plans is an offshoot of the adoption of national human rights action plans. While it remains desirable that national action plans be adopted and implemented to address *all* human rights, the imperative has emerged for the adoption of *specific* anti-racism national action plans. Such specificity needs to account for the systemic nature of racism, where relevant. Anti-racism action plans signal the priority accorded by States and acknowledge the urgency of the need to address issues of racism. They acknowledge that racial discrimination is multifaceted and complex and that its uprooting calls for a targeted and coordinated response.[[111]](#footnote-112) Most importantly, they depart from the premise that racism tends to be systemic in nature, and that it can only be uprooted by very concerted attempts to address foundational and deep-seated causes. The DDPA encouraged States to develop or elaborate national action plans to promote diversity and combat racism in close collaboration with civil society towards addressing systemic issues underlying the socio-economic situation of those most marginalised.[[112]](#footnote-113) The 2009 Durban Review Conference reaffirmed this call.[[113]](#footnote-114) However, twenty years after the Durban Conference, the OHCHR reported that only 23 States and regional institutions have adopted national and regional policies against racism.[[114]](#footnote-115) It is crucial that national action plans are not isolated from development commitments under the 2030 Agenda.[[115]](#footnote-116)

 4. Public anti-racism bodies

53. Governments should set up structures dedicated to a whole of government approach to address systemic racism within the executive, administration and other branches of government, where relevant, and in civil society. States should have in place a national human rights institution (NHRI) established in accordance with the Paris Principles, with an explicit mandate to combat racial discrimination. The State should create, at a minimum, a division within the NHRI or, ideally, a separate anti-discrimination body dedicated to promote and protect the rights of racialised communities; monitor and enforce anti-discrimination legislation; and receive and act upon individual complaints of discrimination from nationals and non-nationals against both public and private entities.

 E. Reckoning with the past

54. If problems are rooted in history, solutions must deal with the relevant historical legacies. Contemporary structures of racial discrimination, inequality and subordination are among the most salient legacies of the Transatlantic Slave Trade and colonialism, and need urgent attention in the context of reparations.[[116]](#footnote-117) Even if the period of time that had lapsed makes monetary compensation and criminal accountability problematic, reparations such as historical truth-seeking, legal recognition and apologies of past harm and its ongoing manifestations, the development of institutions to advance knowledge about slavery and colonialism, return of cultural artefacts, positive developmental programmes in the form of bursaries, waiver of fees, and guarantees of non-recurrence are not only possible, but also indispensable to achieve restorative justice, redress or reconciliation.

55. The collective scope of truth-seeking and symbolic reparation makes them particularly appropriate to address systemic forms of racism such as slavery. The first step in the reparations process often is to establish a mechanism for investigation and shedding light on colonial violence and on the oppression, racism, discrimination and exclusion that affect those peoples today. A number of these truth-seeking processes have taken place, for example the TRC in South Africa, dealing with apartheid atrocities; the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission to uncover and document truth about how child welfare practices in the USA affected First Peoples, and the Truth and Reconciliation Commission of Canada that examined Canada’s residential schools for Indigenous children. Similar Commissions are under development in Sweden, Norway and Finland to examine the forced assimilation of the Sami people. Former colonizing Powers and States in which the colonisation of indigenous peoples and the oppression of people of African descent persists, should establish truth, reconciliation and reparations commissions to find the truth, come to a common shared narrative about the country’s history, shed light on colonial violence and on the oppression, racism, discrimination and exclusion that affect those peoples today.[[117]](#footnote-118)

56. Despite reparations being paid in instances of significant systemic human rights violations and injustice,[[118]](#footnote-119) the reparations “movement” for the victims and slavery and the salve trade has faltered. The 2001 DDPA acknowledged that “slavery and the slave trade… are a crime against humanity, and should always have been so”,[[119]](#footnote-120) and that victims of violations of their human rights as a result of racism and related wrongs should have “the right to seek just and adequate reparation or satisfaction”.[[120]](#footnote-121) More than a decade after the DDPA, in 2014, CARICOM issued its “Ten Point Plan for Reparatory Justice”.[[121]](#footnote-122) However, since 2020 there has been a renewed impetus for reparations.[[122]](#footnote-123) Within the UN, for the twentieth anniversary of the Durban Declaration and Programme of Action, the General Assembly convened a highlevel meeting on the theme “Reparations, racial justice and equality for people of African descent”. At the regional level, the African Commission on Human and Peoples’ Rights in 2022 affirmed that “redress for legacies of the past including enslavement is integral to combatting systemic racism”.[[123]](#footnote-124)

57. Even if some modest progress has been made,[[124]](#footnote-125) States have not yet adopted comprehensive measures of redress or reconciliation, nor measures to sufficiently acknowledge, address and mitigate the contemporary legacies of the past.[[125]](#footnote-126) States that experience racism rooted in history, must deal with the relevant historical legacies. At the very least, slave era and colonial era-crimes need to be acknowledged and appropriate reparation devised and implemented. States should acknowledge the historical roots of racism by commemorating key dates most relevant to race and racism in their own histories so as to ensure remembrance and encourage inclusion and understanding.[[126]](#footnote-127)

 V. Promising practices

58. Despite inadequate progress, there are some promising examples of changes that can make a difference on the ground in post-2020 state practice.

59. The UK Race Disparity Audit, Inclusive Britain: An Action Plan and updated Ethnicity Facts and Figures website is a an international trendsetter for transparent and comprehensive disaggregated data-driven approach to highlighting disparities. It sets out disparities in treatment and outcomes for people of different ethnicities across public services, by breaking down in granular detail the disparities between Black Caribbean and Black African, between Bangladeshi, Indian, Pakistani, Chinese and other Asian; and between Gypsy/Roma and Irish Traveller. Despite some shortcomings, it has been described as a “remarkable step” giving visibility to the “entrenched inequalities and structural forms of discrimination and exclusion that continue to be experienced by certain racial and ethnic groups”.[[127]](#footnote-128) The database on which the report is based was made available on the Ethnicity Facts and Figures website.[[128]](#footnote-129) In 2020, in response to recommendations of the Commission on Race and Ethnic Disparities, the government adopted Inclusive Britain: An Action Plan in 2022.

60. In an illustration of the potential of political leadership, US President Biden in 2021 launched the Justice40 Initiative, in terms of which the US Federal Government has made it a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that have been marginalized, underserved, and overburdened by pollution. To identify communities, the  [Climate and Economic Justice Screening Tool](https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5) , featuring a user-friendly, searchable map, was established.[[129]](#footnote-130)

61. Several states have recently begun taking more concerted strides to put national antiracism action plans in place. All EU members have either adopted or are developing anti-racism action plans or strategies, in line with t[he European Union Action Plan Against Racism (2020-25)](https://ec.europa.eu/info/sites/default/files/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf), in collaboration with civil society and equality bodies. To support Member States, the Commission provided common guiding principles required to produce effective national anti-racism action plans.[[130]](#footnote-131) These guidelines foreground the need to “identify and tackle potential manifestations of structural racism and their impact”.[[131]](#footnote-132) A further good practice is presented by Finland’s first anti-racism action plan, adopted in consultation with regional advisory boards on ethnic relations and Roma affairs and the Sámi Parliament.[[132]](#footnote-133)

62. The Yoorrook Justice Commission sets a precedent for truth-telling processes.[[133]](#footnote-134) It was established in May 2021, to provide a public record of historic and ongoing systemic injustice towards the First Peoples’ colonised in Victoria since 1788, and to establish accountability. The mandate of Yoorrook is unique both in Australia and worldwide. Yoorrook was designed and is under First Peoples’ leadership and is conducted in line with First Peoples’ ways of knowing, being and doing. Yoorrook’s period of inquiry extends from colonisation to the present day, and covers all historic and ongoing injustices perpetrated by state and non-state entities against First Peoples.

63. National structures to combat racial injustice and achieve racial justice have been set up. For example, an Anti-Racism Secretariat within the Department of Canadian Heritage, inaugurated in 2022, is supported by existing inter-departmental committees and lead a whole-of-government approach in addressing racism by coordinating federal action.[[134]](#footnote-135) In New Zealand, the government established a new Ministry for Ethnic Communities, focused on improving outcomes for Aotearoa’s ethnic communities, in response to recommendations in the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain.

64. Advertising often serve to stereotype and stigmatise, also on the basis of race. The South African Human Rights Commission in 2022 conducted a live-streamed inquiry into complaints of racial discrimination in advertising within South Africa, to understand how discriminatory adverts come to be created and published, with a view to making recommendations to prevent the further creation and publication of discriminatory adverts and instil a culture of human rights in the advertising industry.

65. The quest for racial justice has to be decentralised and localised. Examples of efforts at a decentralised, local level, are the municipality of Nova Iguaçu, Rio de Janeiro, in Brazil, which published a human rights plan with actions on data collection, including on police violence and created a psychosocial and legal support group and a municipal fund for families of victims of State violence; and the Canton of Geneva, Switzerland, which consulted with people of African descent to inform its anti-racism activities.[[135]](#footnote-136)

66. This study directs itself mainly to States as the primary duty bearers to advance racial justice. Deliberate policy choices by States have nurtured systemic racism. Its dismantling will take nothing less than deliberate and sustained action by these States, including the radical restructuring of systems that have been built over centuries, in pursuit of racial equality. A whole of society and multi-stakeholder approach, involving the widest possible array of non-state actors, and all disciplinary perspectives relevant to institutional design, has to be adopted to address the broad reach of systemic racism. In the sphere of employment, the private sector has a pertinent place in ensuring fair and inclusive workplaces. The private media should wield its considerable influence to promote tolerance and respect for diversity, highlight the benefits of a multicultural society, curb negative representations of racialised groups, and give them a voice. Media houses should adopt and rigorously apply self-regulatory measures against the dissemination of racist messages.

67. To garner groundswell support, civil society has to be involved in anti-racism activism. Local and national anti-racist coalitions should foster a national politics of anti-racism, while forging transnational solidarity. Strategic litigation, in particular through class actions involving racialised communities, should be explored as a tool to undo patterns that reveal systemic racism in the application of laws and policies.

68. The power of individual action should not be discounted, even in the face of the enormity of structural and historical discrimination based on race. The public apology and reparatory payments by the descendants of British slave owners in the Caribbean are poignant examples of action based on the acceptance of individual responsibility.[[136]](#footnote-137)

69. The UN itself should continue to provide leadership in renewed efforts to root out systemic racism. In January 2022, the Secretary-General launched the strategic action plan on addressing racism and promoting dignity for all in the UN Secretariat, setting up the Task Force on Addressing Racism and Promoting Dignity for All in the UN. One of the challenges highlighted in the accompanying report is that “professional, substantive and decision making roles” within the UN were “disproportionately staffed by one regional group over the past three years, possibly indicating structural biases”.[[137]](#footnote-138)

70. Many UN organs, agencies, treaties and treaty bodies are devoted to achieving a world in which racial justice prevails. Even special procedures with mandates not specific to racial discrimination or racial justice have, resulting from the intersectional nature of marginality and the interrelatedness of mandates, also provided guidance on aspects related to systemic racism. While the multiplicity of measures signals the determination to make a difference through mutually reinforcing means, the very multiplicity may lead to a lack of coordination, potential duplication and bewilderment amidst the immense volume and complexity of resources. The focus should now fall on consolidation and coordination in an attempt to maximise impact. Consideration should be given to a round table of all UN and related stakeholders to explore closer collaboration and synergy in a broad coalition to advance racial justice.

71. The more meaningful representation of States from the global South in decision-making, also within the UN, should be prioritised.

72. Work should also be fast-tracked to develop a UN declaration on the promotion of and full respect for the human rights of people of African descent, in full collaboration with people of African descent.

1. Resolution 48/18, para. 14. [↑](#footnote-ref-2)
2. A/HRC/48/72. [↑](#footnote-ref-3)
3. Para. 77(f)). [↑](#footnote-ref-4)
4. Para. 65. [↑](#footnote-ref-5)
5. Annexes 1-5 to this study. [↑](#footnote-ref-6)
6. A/HRC/51/53, annex. [↑](#footnote-ref-7)
7. A/HRC/41/54, paras. 12 & 13. [↑](#footnote-ref-8)
8. Ibram X. Kendi, *How to Be an Antiracist* (One World 2019). [↑](#footnote-ref-9)
9. Carlos A Hoyt, *The Arc of a Bad Idea: Understanding and Transcending Race* (AbeBooks 2016). [↑](#footnote-ref-10)
10. Kerry Ann Rockquemore & David L. Brunsma, ‘Socially embedded identities: Theories, typologies, and processes of racial identity among Black/White biracials’, *Sociological Quarterly,* vol. 43, No. 3 (2002) pp. 335-356. [↑](#footnote-ref-11)
11. Art. 1(1). [↑](#footnote-ref-12)
12. National Education Association, Racial Justice in Education: Key Terms and Definitions (2021). [↑](#footnote-ref-13)
13. Art. 2(2) 1978 UNESCO Declaration on Race and Racial Prejudice. [↑](#footnote-ref-14)
14. Para. 6. [↑](#footnote-ref-15)
15. Erin R Watson and Charles R. Collins, ‘Putting the system in systemic racism: A systems thinking approach to advancing equity’ *American Journal of Community Psychology* (2022). [↑](#footnote-ref-16)
16. A/HRC/48/72, para. 18. [↑](#footnote-ref-17)
17. A/HRC/47/53, para. 9. [↑](#footnote-ref-18)
18. MR Banaji and others, ‘Systemic racism: individuals and interactions, institutions and society’, *Cognitive Research: Principles and Implications*, vol. 6, No. 1 (2021) p. 82. [↑](#footnote-ref-19)
19. See eg Committee on Economic, Social and Cultural Rights, General Comment No. 20 (2009), para. 12; A/HRC/33/61/Add.2, para. 43; A/HRC/36/60/Add.1, para. 74. [↑](#footnote-ref-20)
20. See eg European Committee of Social Rights, *European Roma and Travellers Forum v. France* Complaint 64/2011, para. 41; Inter-American CHR, Human Rights in the Dominican Republic (2015), para. 368. [↑](#footnote-ref-21)
21. A/HRC/RES/43/1, para. 3. [↑](#footnote-ref-22)
22. A/HRC/45/44; A/76/302 (39 references to “systemic racism”); A/HRC/51/54/Add.2, para. 38. [↑](#footnote-ref-23)
23. [A/HRC/51/53.](https://www.ohchr.org/en/documents/thematic-reports/ahrc5153-promotion-and-protection-human-rights-and-fundamental-freedoms)  [↑](#footnote-ref-24)
24. A/HRC/48/72, paras. 63 & 64. [↑](#footnote-ref-25)
25. CERD/C/USA/CO/10-12, paras. 12 & 13. [↑](#footnote-ref-26)
26. ACHPR/Res.543 (LXXIII) 2022; Inter-American Commission on Human Rights, statement of 8 June 2020. [↑](#footnote-ref-27)
27. See eg Inclusive Britain: An Action Plan, para. 1. [↑](#footnote-ref-28)
28. Emphasis added. [↑](#footnote-ref-29)
29. A/HRC/44/57/Add.1. [↑](#footnote-ref-30)
30. Mahzarin R Banaji and others, “Systemic racism: individuals and interactions, institutions and society”, *Cognitive Research: Principles and Implications,* vol. 6, No. 1 (2021) pp. 1-21. [↑](#footnote-ref-31)
31. A/66/333. [↑](#footnote-ref-32)
32. A/RES/70/1, para. 4. [↑](#footnote-ref-33)
33. A/HRC/48/78, para. 58. [↑](#footnote-ref-34)
34. A/HRC/17/25; A/76/162, para. 69. [↑](#footnote-ref-35)
35. Inga T Winkler & Margaret L Satterthwaite, “Leaving no one behind? Persistent inequalities in the SDGs” *The International Journal of Human Rights* vol. 21.8 (2017) 1073-1097. [↑](#footnote-ref-36)
36. A/76/162. [↑](#footnote-ref-37)
37. See Latin America 2011 study para. 45; Inclusive Britain: An Action Plan (2022), para. 2.2; UK Race Disparity Audit, para. 2.16. [↑](#footnote-ref-38)
38. In the USA, the Fair Housing Act in 1968 outlawed housing discrimination. CERD/C/IND/CO/19, para 13; in 2019, the average urban Black person in a USA, for example, lived in a neighbourhood that was 44 percent Black (California Task Force report 2022). [↑](#footnote-ref-39)
39. CERD/C/USA/CO/10-12, para. 37. [↑](#footnote-ref-40)
40. Inter-American Commission on Human Rights, African Americans, Police Use of Force, and Human Rights in the United States (2018), para. 167. [↑](#footnote-ref-41)
41. Danyelle Solomon and others, “Systemic Inequality: Displacement, Exclusion, and Segregation: How America's Housing System Undermines Wealth Building in Communities of Color” (Center for American Progress 2019). [↑](#footnote-ref-42)
42. A/76/202, para. 22. [↑](#footnote-ref-43)
43. P Bourdieu & JC Passeron, *Reproduction in Education, Society and Culture* (Sage, 1990). [↑](#footnote-ref-44)
44. European Court of Human Rights, *DH v Czech Republic*. [↑](#footnote-ref-45)
45. CERD Committee CERD/C/BRA/CO/18-20, para 17; European Union Agency for Fundamental Rights, Roma Survey 2021. [↑](#footnote-ref-46)
46. CERD/C/CHL/CO/22-23, para. 34; European Union Agency for Fundamental Rights, Roma Survey 2021; CERD/C/ARG/CO/21-23, para. 27; CERD/C/USA/CO/10-12, para. 31. [↑](#footnote-ref-47)
47. A/76/202, para. 33. [↑](#footnote-ref-48)
48. See eg A/77/197, paras. 7, 26, 27; Inclusive Britain (2022), para 3.13; CERD/C/GBR/CO/21-23, para. 30. [↑](#footnote-ref-49)
49. A/76/202, para. 37; A/77/197, para. 23. [↑](#footnote-ref-50)
50. See eg Cities & Health and National Center for Immunization and Respiratory Diseases, ‘The COVID-19 pandemic: power and privilege, gentrification, and urban environmental justice in the global north’. [↑](#footnote-ref-51)
51. A/HRC/45/44/Add.2, para. 56. [↑](#footnote-ref-52)
52. A/74/274, para. 70. [↑](#footnote-ref-53)
53. FRA, Being Black in the EU (2018). [↑](#footnote-ref-54)
54. Submission by Aotearoa New Zealand. [↑](#footnote-ref-55)
55. CERD/C/DOM/CO/13-14. [↑](#footnote-ref-56)
56. A/74/274, para. 73. [↑](#footnote-ref-57)
57. In addition to the CERD Committee, the Human Rights Committee (eg CCPR/C/NZL/CO/6, paras. 23 & 24) and CAT Committee (CAT/C/ARG/CO/5-6, para. 35) have also raised concern about racial profiling. [↑](#footnote-ref-58)
58. Submission by Open Society Foundations. [↑](#footnote-ref-59)
59. <https://www.ohchr.org/en/news/2019/03/fight-against-world-drug-problem-must-address-unjust-impact-people-african-descent-say?LangID=E&NewsID=24332>. [↑](#footnote-ref-60)
60. A/76/202, para. 60; A/HRC/EMRIP/2019/2/Rev.1, para. 47. [↑](#footnote-ref-61)
61. <https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/04/Libertys-Briefing-on-Prisoners-Voting-Rights.pdf>, para. 16; *Sauvé v Canada (Chief Electoral Officer of Canada)* [2002] 3 SCR 519. [↑](#footnote-ref-62)
62. US Supreme Court *Husted v. A. Philip Randolph Institute* 2008. [↑](#footnote-ref-63)
63. A/76/202, para. 60. [↑](#footnote-ref-64)
64. CERD/C/BRA/CO/18-20, para. 25; CERD/C/RWA/CO/18-20, paras. 16 & 17. [↑](#footnote-ref-65)
65. Inclusive Britain, para 4.2; CERD/C/USA/CO/10-12, para. 43; submission by Aotearoa New Zealand; Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission. [↑](#footnote-ref-66)
66. RD Bullard, “Confronting environmental racism in the twenty-first century”, *Global Dialogue*, vol. 4, No. 2 (2002) p. 35. [↑](#footnote-ref-67)
67. A/HRC/48/78, paras. 57 & 60. [↑](#footnote-ref-68)
68. A/HRC/45/44/Add.1, paras. 36-49. [↑](#footnote-ref-69)
69. A/HRC/47/37, para. 38. [↑](#footnote-ref-70)
70. A/HRC/38/52, paras. 8-11. [↑](#footnote-ref-71)
71. A/75/590. [↑](#footnote-ref-72)
72. Ruha Benjamin, “Assessing risk, automating racism”, *Science,* vol. 366, No. 6464 (2019) pp. 421-422. [↑](#footnote-ref-73)
73. Ziad Obermeyer and others, “Dissecting racial bias in an algorithm used to manage the health of populations”, *Science,* vol. 366, No. 6464 (2019) pp. 447-453. [↑](#footnote-ref-74)
74. Fundamental Rights Agency, ‘Bias in algorithms – Artificial intelligence and discrimination’ (2022). [↑](#footnote-ref-75)
75. Ariadna Matamoros-Fernández, “[Platformed racism: The mediation and circulation of an Australian race-based controversy on Twitter, Facebook and YouTube](https://doi.org/10.1080/1369118X.2017.1293130)”, *Information, Communication & Society,* vol. 20, No. 6 (2017) p. 940. [↑](#footnote-ref-76)
76. Shmyla Khan, “Global inequities in algorithms”, *Verfassungsblog:  On Matters Constitutional* (2022). [↑](#footnote-ref-77)
77. As exemplified by Darnella Frazier, who recorded the murder of  [George Floyd](https://www.nytimes.com/live/2021/04/01/us/derek-chauvin-trial-live/jurors-are-gaining-new-understanding-of-the-day-george-floyd-died), and uploaded it to Facebook, see  [Giulia McDonnell Nieto del Rio](https://www.nytimes.com/by/giulia-mcdonnell-nieto-del-rio) ‘Darnella Frazier, the teenager who recorded George Floyd’s murder, speaks out.’ *New York Times*, 25 May 2021. [↑](#footnote-ref-78)
78. A/77/2990. [↑](#footnote-ref-79)
79. A/HRC/36/46. [↑](#footnote-ref-80)
80. A/HRC/45/44. [↑](#footnote-ref-81)
81. Open Letter from the SRR to the World Trade Organization’s Twelfth Ministerial Conference (13 June 2022). [↑](#footnote-ref-82)
82. ER Watson & CR Collins, “Putting the system in systemic racism: A systems thinking approach to advancing equity”,  *American Journal of Community Psychology* (2022) pp. 1-12. [↑](#footnote-ref-83)
83. A/HRC/42/59, para. 68. [↑](#footnote-ref-84)
84. A/HRC/48/72, para. 55. [↑](#footnote-ref-85)
85. A/HRC/42/59; A/HRC/48/72. [↑](#footnote-ref-86)
86. A/HRC/42/59, para. 3. [↑](#footnote-ref-87)
87. A/HRC/51/37, para. 70. [↑](#footnote-ref-88)
88. ICERD arts. 1(4) and 2(2); general recommendation 32 (2009). [↑](#footnote-ref-89)
89. Inter American Commission, 2011 The situation of people of African descent in the Americas, para. 22; CERD/C/BRA/CO/18-20, para. 27; CERD/C/URY/CO/21-23, para. 17. [↑](#footnote-ref-90)
90. CERD/C/BRA/CO/18-20, para. 27. [↑](#footnote-ref-91)
91. A/76/177, para. 60. [↑](#footnote-ref-92)
92. A/66/333, para. 26. [↑](#footnote-ref-93)
93. CERD/C/URY/CO/21-23, para. 21. [↑](#footnote-ref-94)
94. A/HRC/51/55. [↑](#footnote-ref-95)
95. General recommendation 31 (2005), para. 20; DDPA, para. 72. [↑](#footnote-ref-96)
96. CERD/C/URY/CO/21-23, para. 36. [↑](#footnote-ref-97)
97. Art. 7. [↑](#footnote-ref-98)
98. Inter American Commission, The situation of people of African descendants in the Americas (2011), para. 217. [↑](#footnote-ref-99)
99. A/HRC/44/57/Add.1, para. 13. [↑](#footnote-ref-100)
100. CERD/C/BRA/CO/18-20, para. 58. [↑](#footnote-ref-101)
101. A/HRC/13/59, para. 78. [↑](#footnote-ref-102)
102. Jessie Daniels, ‘Race and racism in Internet studies: A review and critique’,  *New Media & Society,* vol. 15, No. 5 (2012) pp. 695-719 at 707. [↑](#footnote-ref-103)
103. See eg JR Feagin *Systemic Racism: A Theory of Oppression* (Routledge 2006). [↑](#footnote-ref-104)
104. A/HRC/51/53, para. 15 (Brazil enacting into law the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance). [↑](#footnote-ref-105)
105. Annex 6 to this study. [↑](#footnote-ref-106)
106. CERD/C/USA/CO/10-12, paras. 14 & 15. [↑](#footnote-ref-107)
107. A/74/10, Conclusion 13, note 4. [↑](#footnote-ref-108)
108. OHCHR, [Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation](https://www.ohchr.org/en/minorities/minority-rights-equality-and-anti-discrimination-law). [↑](#footnote-ref-109)
109. A/HRC/36/60/Add.1, para. 20. [↑](#footnote-ref-110)
110. OHCHR, Fighting Racism, 20 Years on from the adoption of the DDPA. [↑](#footnote-ref-111)
111. CERD/C/USA/CO/8-10, paras. 12 & 13. [↑](#footnote-ref-112)
112. DDPA, paras. 30(a), 66, 99, 100–102, 167 & 191(a). [↑](#footnote-ref-113)
113. A/CONF.211/8, chap. I, paras. 28 & 114. [↑](#footnote-ref-114)
114. OHCHR, Fighting Racism, 20 Years on from the adoption of the DDPA. [↑](#footnote-ref-115)
115. A/HRC/50/60, para. 91(g)(ii). [↑](#footnote-ref-116)
116. A/76/180. [↑](#footnote-ref-117)
117. A/76/180; see also High Court of Justice, *Ndiki Mutua, and Others v. The Foreign and Commonwealth Office*, Case No. HQ09X02666, Approved Judgment, 10 October 2012, para. 43. [↑](#footnote-ref-118)
118. From 1953, under the Reparations Agreement between Israel and the Federal Republic of Germany, (West) Germany paid 3 million Marks compensation to Israel for the Holocaust; and in 1988, the USA paid USD 20,000 each as compensation to Japanese-Americans placed in internment camps during World War II. [↑](#footnote-ref-119)
119. Para. 13. [↑](#footnote-ref-120)
120. Para. 104. [↑](#footnote-ref-121)
121. https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/. [↑](#footnote-ref-122)
122. California State Legislature Task Force to Study and Develop Reparation Proposals for African Americans. [↑](#footnote-ref-123)
123. Resolution on Africa’s Reparations Agenda and The Human Rights of Africans In the Diaspora and People of African Descent Worldwide - ACHPR/Res.543 (LXXIII) 2022. [↑](#footnote-ref-124)
124. For example, Germany agreed to pay Namibia $1.3 billion in reparation for genocide committed during its colonial-era occupation of the country, but did not issue an apology. [↑](#footnote-ref-125)
125. OHCHR, 2021 DDPA report. [↑](#footnote-ref-126)
126. Eg International Holocaust Remembrance Day (27 January), International Day Against Racial Discrimination (21 March), European Roma Holocaust Memorial Day (2 August), UNESCO Day of Remembrance of Abolition of Slave Trade (23 August) and International Day for the Abolition of Slavery (2 December). [↑](#footnote-ref-127)
127. A/HRC/41/54/Add.2, para. 16. [↑](#footnote-ref-128)
128. https://www.ethnicity-facts-figures.service.gov.uk/. [↑](#footnote-ref-129)
129. https://www.whitehouse.gov/environmentaljustice/justice40/. [↑](#footnote-ref-130)
130. European Commission, Subgroup on the national implementation of the ‘EU anti-racism action plan 2020-2025’, Common guiding principles for national action plans against racism and racial discrimination. [↑](#footnote-ref-131)
131. Para. 3. [↑](#footnote-ref-132)
132. FRA, 2022 Report, para. 4.3.1. [↑](#footnote-ref-133)
133. Yoorrook Justice Commission, Yoorrook with Purpose: Interim Report (2022). [↑](#footnote-ref-134)
134. <https://www.canada.ca/en/canadian-heritage/campaigns/federal-anti-racism-secretariat/about.html> [↑](#footnote-ref-135)
135. A/HRC/51/53. [↑](#footnote-ref-136)
136. <https://www.theguardian.com/world/2023/feb/04/british-slave-owners-family-apologise-reparations-trevelyans> [↑](#footnote-ref-137)
137. Strategic Action Plan (2022) p. 29. [↑](#footnote-ref-138)