



## 43RD SESSION OF THE HUMAN RIGHTS COUNCIL

### Urgent debate on “current racially inspired human rights violations, systematic racism, police brutality against people of African descent and violence against peaceful protests

17-18 June 2020

*Presided by Ms Elizabeth Tichy-Fisslberger, President of the Human Rights Council*

*Draft Resolution [A/HRC/43/L.50](#) “The promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against police brutality and other violations of human rights” has been tabled by Burkina Faso on behalf of the Group of African States on 16 June 2020.*

*Ms Amina J. Mohammed, Deputy Secretary-General of the United Nations*

The Secretary-General António Guterres has called for dismantling racist structures and confronting the systemic ills of institutions. UN Under-Secretaries-General of African or of African Descent said in their [statement](#): “To merely condemn expressions and acts of racism is not enough. We must go beyond and do more.”

The marches for racial justice and equality were triggered by the killing of George Floyd, but the violence spans history and borders. The United Nations has a duty to respond to the anguish that has been felt by so many for so long. Just as we fought apartheid years ago, so must we fight the hatred, oppression and humiliation today. Across the world, Afro-descendants continue to be trapped in generational cycles of poverty created by unfair obstacles to their development. They receive unequal services, and face unjustifiable housing and employment practises. Racial profiling is widespread. And because of poverty and structural racism, they are also among the communities hardest-hit by COVID-19.

We need measures that will genuinely re-set law enforcement. The battle against racism did not end with this or that legislation, and racism was not vanquished by this or that election. Lasting peace, and sustainable development can only be built on the equality, human rights and dignity of everyone.

*Ms Michelle Bachelet, United Nations High Commissioner for Human Rights*

The killing of George Floyd is emblematic of the excessive use of disproportionate force by law enforcement against people of African descent, people of colour, indigenous peoples and racial and ethnic minorities. There is a need for decisive action across the world, ensuring accountability and ending the impunity.

From poor health care to inadequate education, limited job advancement, refusals of housing and mortgage loans, ill-treatment by officials, practical restrictions on the right to vote and over-incarceration in prisons, racial discrimination produces overwhelming harm to millions of people. Some first measures have been taken by national and local authorities to implement reforms of practices related to policing. Acts of misconduct by police personnel should be met with immediate investigation, sanction or prosecution.

Clear guidance, such as the [Human Rights Guidelines on the Use of Less-Lethal Weapons in Law Enforcement](#) by the OHCHR, can be of assistance. The International Convention on the Elimination of All forms of Discrimination, and the Durban Declaration and Programme of Action, are internationally agreed commitments to prohibit and combat racial discrimination in all spheres of civil and political, economic, social and cultural life. The International Decade for People of African descent provides an important framework for taking action on structural issues of access to justice and racial profiling.

There is an urgent need for disaggregated data by ethnicity or race; as well for formal apologies, truth-telling processes, and reparations in various forms. Specific and results-oriented recommendations from the Council, together with strong advocacy, should assist States to improve the visibility of national actions.



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**Mr Kwesi Quartey, Deputy Chairperson of the African Union Commission**

Chairperson of the African Union Commission, Dr Moussa Faki Mahamat, reaffirms the African Union's rejection of the continuous discriminatory practices against the black citizens of the United States.

This systemic discrimination can be eradicated if we examine the issue from the root. This is the opportunity for the international community to examine the root causes of racial discrimination, including looking back to the Trans-Atlantic slavery and its consequences.

International community must not allow racism, racial discrimination and xenophobia to erase all the achievements and developments that humanity has achieved.

**Ms Tendayi Achiume, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**

*Statement delivered in personal capacity, and on behalf of the WG of Experts on People of African Descent. This statement is also joined by the SR on the Rights of Freedom of Assembly and Association, and the Coordination Committee of the UN Human Rights Special Procedures.*

The world is witnessing the largest transnational mobilization against systemic racism in law enforcement, sparked by the chilling images of the police killing of George Floyd.

Ms Achiume referred to the following statements, released recently:

- the [statement](#) led by SR on Contemporary Racism and joined by 47 Special Procedures mandate holders, on the ongoing national uprising in the US against systemic racism in law enforcement;
- the [statement](#) led by the WG of Experts on People of African descent, joined by other Special Procedures that condemns what amounts to modern-day racial terror lynchings in the US;
- statements led by the SR on the rights to freedom of peaceful assembly and of association and by the SR on freedom of opinion and expression condemning militarization of the police, and the violent crackdown against [peaceful protesters](#) and [journalists](#), in the US;
- statement by the Committee on the Elimination of Racial Discrimination (CERD) under its [Early Warning and Urgent Action Procedures](#);
- [Request](#) from human rights organizations and the family members of George Floyd, Breonna Taylor, Philando Castile and Michael Brown for a commission of inquiry for the situation in the US.

Systemic racism in law enforcement requires thematic engagement by the Council. A thematic commission of inquiry or other mechanism should be established and empowered to investigate systemic racism in law enforcement globally, especially where it is related to legacies of colonialism and transatlantic slavery.

Globally, states must collect robust data disaggregated by race and ethnicity, and use this data to identify racial disparities, and mitigate racial discrimination in all fields, including law enforcement. In addition, states have not heeded calls for reparations, which include the need to [dismantle contemporary structures of racial injustice](#) that are legacies of historical injustice.

**Mr Philonise Floyd, the brother of George Floyd**

Described the incident showing his brother's murder. People who dared to protest for George Floyd were tear-gassed, ran over with police vehicles; several people lost eyes and suffered brain damage from rubber bullets. Journalists were beaten and blinded when they tried to show the world the brutality happening at the protests. The case of George Floyd's murder is not unique. Mr Floyd called for establishing an independent commission of inquiry to investigate police killings of Black people in America, and the violence used against peaceful protestors who are reminding the world that Black Lives Matter.



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### General Debate

**Central African Republic on behalf of the African Group:** UN Treaty Bodies (Committee Against Torture, Committee on the Elimination of Racial Discrimination) have published numerous Recommendations for all States over the past years. The African Group condemns systemic and non-systemic racism.

**Indonesia, on behalf of a group of countries, members of Convention against Torture Initiative (Chile, Denmark, Fiji, Ghana, Indonesia, Morocco):** Law-enforcement agents should be well trained, have clear rules and accountability mechanisms. Need for zero tolerance to racism and discrimination.

**Azerbaijan on behalf of the Non-Aligned Movement:** Expressed concern about the increased use of mass media to promote and disseminate racism, racial hatred, xenophobia, racial discrimination and related intolerance. Called on Member States to devote the highest priority to educational programs that promote dialogue and tolerance among communities in order to curb the scourge of hate speech.

**Croatia on behalf of the European Union:** All societies must remain vigilant against the excessive use of force. The EU will continue calling on all States to uphold the rights to participate in public affairs, freedom of peaceful assembly and association, including for human rights defenders and peaceful protesters, as well as freedom of opinion and expression online and offline with particular emphasis on the safety of journalists, bloggers and other media workers.

**Mexico on behalf of Group of Latina American and Caribbean Countries (Costa Rica, Mexico, Peru, Uruguay):** States and civil society organizations must join forces and channel energies to address the structural causes that underlie inequalities and stigmatization.

**UN Women:** The WG of Experts on People of African Descent highlighted that girls and women of African Descent are likely to be poorer, less educated and have fewer opportunities everywhere in the world.

**UNICEF:** We have witnessed how racism, xenophobia, discrimination and violence, have caused trauma, harm, and disruption to the lives of millions of children and their families, and have continuously led to violations of their rights.

**UNFPA:** To deliver faster on the 2030 Agenda and the Nairobi Summit ICPD25 commitments, we at UNFPA are intensifying our work during this Decade of People of African Descent. We are scaling up programmes to empower women, girls, and young people of African descent.

**Organization of American States:** Abolition of slavery did not lead to end of stigmatization of people of African descent and the full realization of their rights. Positive developments have not been sufficient to overcome structural discrimination.

Almost 90 countries took the floor in their personal capacity. The delegations **welcomed** the convening of this urgent debate called for by the African Group. The delegations expressed their deepest sympathy to the family and friends of **George Floyd**, as well as to the families and friends of all the other victims of racism and police brutality in the world. The speakers **condemned** all forms of racism, racial discrimination, xenophobia and related intolerance, recognized that racism was a global issue and argued that entrenched, systemic racism and discrimination, as well as the legacies of slavery, colonialism and apartheid, must be dismantled. Delegations spoke about the importance of a firm, global, **multilateral response**, strong political leadership and strict enforcement of legal commitments. The effective follow-up and implementation of the **Durban Declaration and Program of Action** was said to be one important step toward combating racism, racial discrimination, xenophobia and related intolerance. A number of states also said that **public policies** aimed at fostering a domestic environment of tolerance, respect and peace should be strengthened. Ensuring full transparency and prosecution of criminal acts is fundamental to ensuring justice, delegations said. Several



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delegations brought up the subject of **Covid-19** pandemic and the people of colour being disproportionately affected by it and often face a surge in xenophobic violence and discrimination related to the pandemic. All governments should act to prevent and denounce state authorities' excessive **use of force**. Law enforcement authorities must be well-trained, professional and act in accordance with international human rights obligations. The freedom to **peaceful assembly** as well as **freedom of expression** are fundamental to ensuring inclusive and tolerant societies. Any form of violence carried out by protesters and police forces during peaceful protests should be rejected. A number of states addressed the feasibility of establishing a new **Commission of Inquiry** mechanism, as suggested in the Draft Resolution A/HRC/43/L.50.

The speakers also brought up the issues of intersectionality between **racism and climate change** (Marshall Islands), the role of a **free press** (Netherlands), **intersectional** and multiple forms of discrimination experienced by **women of colour** (Fiji), effective **policies of integration** that reject discrimination and segregation (Armenia).

**States taking the floor:** Marshall Islands, India, Venezuela, Brazil, Pakistan, Republic of Korea, Uruguay, Netherlands, Armenia, Indonesia, Australia, Namibia, Nepal, Cameroon, Bahrain, Japan, Senegal, Nigeria, Fiji, Bangladesh, Spain, Togo, Ukraine, Germany, Austria, Denmark, Qatar, Somalia, Sudan, Jordan, Sweden, DPRK, Cuba, Seychelles, Botswana, Sierra Leone, France, Belgium, Lichtenstein, South Africa, Philippines, Syria, Jamaica, Morocco, Iran, Egypt, Canada, Colombia, State of Palestine, Sri Lanka, Lesotho, Russian Federation, China, Switzerland, Portugal, Zimbabwe, Saudi Arabia, Finland, Mozambique, New Zealand, Costa Rica, Lebanon, Haiti, Iraq, Vanuatu, Barbados, Maldives, Montenegro, United Kingdom, Guyana, Nicaragua, Luxembourg, Iceland, Norway, Ethiopia, Holy See, Slovenia, Côte d'Ivoire, Ireland, Bolivia, Ecuador, Turkey, Tunisia, Malta, Israel.



\* Illustration: States that took the floor during the General Debate (in their personal capacity)

**NGOs that took the floor:** American Civil Liberties Union (joint statement), Maat for Peace, Development and Human Rights Association, Center for Global Nonkilling, Sociedade Maranhense de Direitos Humanos, International Youth and Student Movement for the United Nations, Global Action on Aging, Cairo Institute for Human Rights Studies, World Jewish Congress, Human Rights Watch, Iraqi Development Organization, Alsalam Foundation, Americans for Democracy & Human Rights in Bahrain Inc, Action Canada for Population and Development, The Center for Reproductive Rights, Inc., International Lesbian and Gay Association, International Movement Against All Forms of Discrimination and Racism, Partners For Transparency, International Organization for the Elimination of All Forms of Racial Discrimination, Rencontre Africaine pour la defense des droits de l'homme, Minority Rights Group, United Nations Watch, Al-Haq, Law in the Service of Man, Ingenieurs du Monde, International Commission of Jurists, CIVICUS - World Alliance for Citizen Participation, Amnesty International

Brazil and China exercised their **Right of Reply**.