

HUMAN RIGHTS COUNCIL – 51st SESSION

Enhanced interactive dialogue on the report of the High Commissioner and the report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement

03 October 2022

Nada Al-Nashif, Acting United Nations High Commissioner for Human Rights, reporting examples of national concrete steps to address racial discrimination despite complex contexts and major global challenges, remained deeply concerned that Africans and people of African descent continue to face disproportionate and discriminatory outcomes in many countries. Comprehensive official and other data disaggregated notably by race or ethnic origin is crucial to understanding the scale and impact of these realities. However, such data remains scarce. This is a significant impediment to adequately identifying and tackling tangible manifestations of systemic racism. States and all relevant actors need to stand united and take action against systemic racism in order to succeed in building a more resilient future of equality and non-discrimination.

Justice Yvonne Mokgoro, Chair of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, stressed the crucial need to collect, analyze, use and publish data, disaggregated by race or ethnic origin to advance racial justice and equality for Africans and people of African descent, in the context of law enforcement and the criminal justice system. Data collection is an essential first step to highlight the magnitude of systemic racism and to convey positive change for law enforcement and the communities. She affirmed that racial profiling, excessive use of force, and other violations of international human rights law continue to be reported across the countries. This is due to the fact that many States still have serious challenges in the collection, analysis and publication of data disaggregated by race or ethnic origin. Documenting all policing interventions and disclosing statistical data on the use of force has already shown a deterrent effect and has reduced fatalities.

Collette Flanagan, founder of Mothers against Police Brutality, shared her personal experience where her only son was killed by a police officer in Dallas, Texas. She reported that police in the U.S. have fatally shot more than 7,000 people since 2015. She listed three challenges to be addressed to protect human rights in policing: the use of deadly force; the judicial doctrine of qualified immunity; and the treatment of families and communities suffering from racial profiling, police brutality, and extrajudicial killings. Many lives could be saved if the use of deadly force was based not on an officer's perception but on the actual observable conditions at the scene. It is important to support the families of those that experienced injury and death at the hands of police. In addition, the vast unmet human needs in communities suffering from lack of opportunity, poverty, and racism must be confronted. To end extrajudicial killings, all countries must go deeper within their struggling communities to organise a more sustained resistance.

Jurema Wurneck, representing directly affected individuals, Executive Director of Amnesty International Brazil, reported data from the Brazilian Public Security Forum: in 2020, the number of people killed by police officers hit a record of 6,416 deaths. Almost 79 per cent of victims of police lethality in that year were black. She acknowledged the efforts and commitments of states, policies, and programs, but asserted that they were insufficient. She also stated that a disturbing trend was the large number of bodies of black people brutalized and killed. This included women, mothers, orphans, and widows. States need to reinforce their ability to produce change by adhering to the civilizing pact of human rights and confronting racism.

Interactive dialogue

32 country delegations took the floor during the interactive dialogue. **The majority of countries** agreed on the need for political initiatives and actions in the fight against racism and racial discrimination.

They also agreed that accurate and comparable data are essential in enabling policy-makers to assess the scale and nature of racial discrimination. In the fight against discrimination and exclusion, equality data is a powerful tool. Speakers including the **EU, Belgium, Portugal, Mexico, Venezuela, Cuba and Colombia** informed the Council about programs and mechanisms established in order to discuss challenges and opportunities in improving the collection and use of equality data and developing a consistent approach to combat all forms of discrimination. **China** in regard to colonialism, the slave trade and the idea of white supremacy were the root causes of racism and racial discrimination, stated that in the **U.S.** tens of millions of people of African descent are still suffering from discrimination and injustice, and justice and equality are only empty legal provisions for them. It urged the **U.S.** to take effective action to address systemic racism, racial discrimination and police violence in the country.

UNESCO, commending the efforts towards societal change for Africans and people of African descent, reported the organization's initiatives, projects and strategies to raise awareness about the legacies of historical injustices and oppression, racism and racial discriminations.

NGOs agreed that racial discrimination brings sufferings not only to Africans and their descendants, but also perpetuates human rights violations for all people of racial minority groups. States should take effective measures to implement the principles enshrined in the DDPA to combat racism. It is imperative to promote and protect racial equality because we now live in an international community with a shared future. States that are continuing to deny or have failed to acknowledge the existence and impact of systemic racism, especially institutional racism, should protect the interests of police institutions to maintain the status quo which is designed to oppress Africans and people of African descent. Some **NGOs** affirmed that where data exists, it proves how drug policing disproportionately targets people of African descent. In particular, in the United Kingdom and in the U.S. the situation is particularly worrisome, where police use excessive force against Black Americans. It is more difficult for black Americans to get equal access to education and employment. During the COVID-19 pandemic, systematic racial discrimination exacerbated inequality in their access to health care.

Concluding Remarks

Jurema Wurneck, representing directly affected individuals, Executive Director of Amnesty International Brazil, stated that all Member States should work together to fight systemic racism and its intersectionality. This includes the issue of police brutality. A monitoring system and process of independent investigations needs to be implemented. It is also crucial to involve civil society and the families of victims. She stressed that in order to save lives, silence is not an option.

Collette Flanagan, Founder of Mothers against Police Brutality, returned to the idea of global solidarity and a global fight against police brutality. She suggested a new international instrument, a convention against police brutality, which would bring to light the ways that international human rights were violated by police forces. The HRC should create a working group to draft a UN convention on human rights and policing.

Justice Yvonne Mokgoro, Chairperson of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, said that the Mechanism would make recommendations each time when it submitted a report; it would also strengthen the capacity and capability of States during country visits in the context of the issues which arose in the dialogue between the Mechanism and the States visited. The recommendations would be reported to the HRC and to the States, and forward to the level of the General Assembly. It would hopefully make an impact on the transformative change that was required in the treatment of people of African descent. This was required in the context of law enforcement and the criminal justice system.

Nada Al-Nashif, Acting United Nations High Commissioner for Human Rights, called on States to engage meaningfully with the Expert Mechanism, and take heed of the targeted recommendations that had come out. The interventions and testimonials of Ms. Wurneck and Ms. Flanagan were

inspiring for State action. Globally, human rights defenders and organizations of persons of African descent call for national, regional, and international funding, support, and protection.

Delegations that took the floor during the Interactive Dialogue (32 country delegations):

Angola, Belgium, Côte d'Ivoire (on behalf of the African Group), Cameroon, China, Colombia, Cuba, Djibouti, Egypt, European Union, Finland (on behalf of Nordic-Baltic Countries), Kenya, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Namibia, Portugal, Russian Federation, Senegal, South Africa, Togo, Tunisia, Venezuela (Bolivarian Republic of), Zambia, Afghanistan, U.S., Cote d'Ivoire, Iran, Panama.

NHRIs and NGOs that took the floor (9):

Advocates for Human Rights, American Civil Liberties Union, China Society for Human Rights Studies (CSHRS), Friends World Committee for Consultation, Human Rights Information and Training Center, International Harm Reduction Association (IHRA), International Service for Human Rights, Partners For Transparency, Peace Track Initiative.

International organizations (1): UNESCO

To watch full meeting refer to [UN Web TV](#).