

HUMAN RIGHTS COUNCIL – 54th SESSION

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

05 October 2023

In her opening remarks, **Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights**, informed the council about the ongoing and pervasive nature of the multiple, intersecting, and interconnected manifestations of systemic racism against Africans and people of African descent in different regions, and in every area of life. The report raises the disproportionate impact on Africans and people of African descent of use-of-force violations by law enforcement officials, racial profiling, and racial disparities in the criminal justice system. Despite national progress, it remains clear that in the vast majority of deaths of people of African descent after an interaction with law enforcement, progress towards accountability and redress is severely lacking.

The report focuses on the immense challenges and barriers to effective, meaningful, inclusive, and safe participation of people of African descent. It highlights surveillance, harassment, intimidation, arrest, unlawful killings, and violence against civil society actors of African descent in numerous countries. It does the disproportionate impact of measures and practices that restrict the exercise of the right to vote. States must acknowledge and end the long-standing marginalization and exclusion of Africans and people of African descent and ensure everyone's equal access to opportunities, resources, and power. She reiterated calls for transformative change for racial justice and equality, also made by UN human rights mechanisms, civil society organizations, and people of African descent themselves.

In conclusion, she highlighted that meaningful and safe participation was key to effective transformative change, so crucially needed in so many States, which should meet their obligations under international human rights law, in particular for persons of African descent, and voices that encapsulated the full spectrum of identities and views. Ensuring effective participation required political will and long-term commitment but also a necessary shift to ensure that policymaking was informed by the lived-in expertise of persons of African descent. Women of African descent faced specific risk factors deeply rooted in historical patterns of discrimination. Persons of African descent with disabilities and affected by lower socio-economic status and poverty also faced specific challenges, and States must adopt special measures adapted to national circumstances that faced up to these needs.

Ms Tracie Keese, Member of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement, said the present annual thematic report highlighted abusive police practices, from violent interactions to racial profiling and stop-and-search, as well as in relation to drug law enforcement, and in responses to social phenomena such as mental health, homelessness, and policing in schools. She noted that while essential, a strictly regulatory approach to the use of force was insufficient to address the breadth of challenges and the historical discrimination faced by communities of Africans and people of African descent. There should be holistic reform within law enforcement which could be based on acknowledging historic discrimination and racism and its impact on present abusive law enforcement practices. Ms. Keese spoke on the Expert Mechanism's country visits to **Sweden and the United States**. The Mechanism urged the Swedish authorities to continue pursuing efforts to prevent and prosecute hate crimes, and all offences motivated by discrimination, intolerance, or hatred; and to increase diversity, including based on race and gender, within the ranks of the police force to reflect the communities they served. As to the United States, the Expert Mechanism called on the Government to address the legacies of enslavement, which still led to discriminatory practices, and to adopt alternative methods of policing.

She concluded affirming that the concepts of policing in law enforcement had its roots in a social construct of race dating back to the days of slavery. Member States should be bold and courageous, and law enforcement agencies around the world should familiarise themselves with the voices and cries of Africans and those of African descent.

Ms Dayana Blanco Acendra, General Director of ILEX-Acción Jurídica, said human rights institutions had reported a rise in the use of irregular practices and the disproportionate application of force by the Colombian national police, especially in relation to members of the Afro-descendant community. There needed to be accountability and justice guarantee mechanisms in place to investigate acts of police violence. In addition to the excessive use of force, there were practices of harassment and excessive police control in areas with a high concentration of Afro-descendant population, including the focus of police actions in these areas.

She affirmed that there is a gap on the part of the institutions of the justice sector when it comes to capturing the ethnic-racial variable in their databases and information systems. It is important to strengthen the meaningful, inclusive, and safe participation of people of African descent. Institutions needed to actively listen to the recommendations and demands of civil society to implement them in the reforms of the national police and on the right to protest.

In conclusion, she stated that the State's responsibility for overcoming issues is a first step. Colombia would be called upon to acknowledge racist police violence as part of a national conversation. The existence of racial profiling and criminalisation had led to the deaths of young black people. There needed to be regular, comprehensive information with a racial element.

Ms Marcia Rigg, member of the Board of INQUEST, spoke about the deaths of black men of African descent in police custody or following police contact in the United Kingdom, including the death of her brother. INQUEST reported in February this year that black people were seven times more likely to die than white people following the use of restraint by the police. She affirmed that the very issue of race or racism is almost non-existent in official investigations.

United States (Country concerned) affirmed that global racial justice is a national priority as is addressing the history and current challenges of systemic racism. It remained committed to advancing racial justice and equity and to preventing and countering systemic racism, discrimination, violence, xenophobia, and injustice, whenever and wherever they occur. Systemic racism against people of African descent in law enforcement and the criminal justice systems has existed for centuries and continues to exist in the United States and abroad. Real and lasting change will only come if the international community takes action to prevent tragedies like this from ever happening again. It also shared some national initiatives to promote shared objectives to address the legacy and ongoing impact of systemic racism by advancing public trust and public safety through safe, effective, and accountable community policing as well as improvements to the criminal justice system.

Interactive dialogue

25 country delegations took the floor during the interactive dialogue. **The majority of the countries** affirmed that the participation of persons of African descent in public affairs is key to achieving racial justice. Without tackling racism, racial discrimination, xenophobia, and related intolerance, the world could not reach equal societies where the human rights of all are respected, protected, and fulfilled. **The Russian Federation** stated that because police violence and racial profiling are part of systemic racism, a systemic approach is needed to eliminate them. Ironically, the countries that engaged in these atrocities, **the State of Palestine** said, were often the same ones that portrayed themselves as pinnacles of freedom and democracy around the world. It was time for them to step down from this moral high ground, and officially recognize their historic role in the current reality of systemic discrimination. **The EU** agreed that there is a need for a human rights-based approach to policing in

the form of a comprehensive, systematic, and institutional approach to law enforcement that complies with international human rights standards and practices.

NGOs urged the international community and all States to work actively towards the demilitarization of law enforcement, as a way of guaranteeing respect for international human rights standards in law and practice; to stop all forms of racial profiling, including the use of technologies that identify potential suspects of criminal activities based on racial features; to ensure that policing institutions work on a systematic approach with a critical, decolonial, and intersectional perspective; and to take concrete measures for effective access to justice, accountability, and reparations in consultation with communities of African descent, including by developing public policies focused on financial support and free mental health care for individuals directly impacted by violations of law enforcement. **The Advocates for Human Rights** affirmed that police and other systems actors are more likely to treat Black women as culpable for the violence alongside their abuser in contrast to system perceptions of white women, who they frequently view and treat as survivors. Black victims of domestic and sexual violence may not see law enforcement officers as trusted advocates who represent victims' best interests.

Delegations that took the floor during the Interactive dialogue (25 country delegations):

Finland (on behalf of the Nordic-Baltic countries), EU, Cote d'Ivoire (on behalf of the African Group), Costa Rica, Brazil, Paraguay, Egypt, Iraq, Malawi, State of Palestine, China, Indonesia, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Tunisia, Algeria, Cuba, Venezuela, Türkiye, Botswana, Honduras, Belarus, Islamic Republic of Iran, Colombia.

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Advocates for Human Rights, International Human Rights Internship Program University of Minnesota Human Rights Center, Justica Global, International Services for Human Rights, Minority Rights Group, Conectas Derecho Humanos, GELEDES, Sikh Human Rights Group, Edfu Foundation Inc., Association "Paix" pour la lutte contre la Contrainte et l'injustice.

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