|  |  |  |
| --- | --- | --- |
|  |  | A/HRC/AC/25/CRP.3 |
|  |  | 10 February 2021 English only |

**Human Rights Council**

**Advisory Committee**

**Twenty-fifth session**

15–19 February 2021

Item 3 (f) of the provisional agenda

**Requests addressed to the Advisory Committee stemming from
Human Rights Council resolutions and currently under
consideration by the Committee**

**Situation regarding racial equality in the world**

 Moving towards racial equality: achievements and challenges ahead

 Draft preliminary outline prepared by Milena Costas Trascasas, Rapporteur of the drafting group.[[1]](#footnote-2)

Contents

 *Page*

 I. Introduction 3

 II. Global action against racism: steps taken so far 4

 III. Gaps, overlaps and challenges 7

 IV. Deconstructing racism to build racial equality 7

 V. Means and tools to assess the progress 11

 VI. Concluding remarks 16

 VII. Recommendations 17

 I. Introduction

 A. Mandate

1. In its resolution 72/157, of 19 December 2017, the General Assembly emphasized that, despite efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of all rights and freedoms “millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations some of which manifest in violent forms”.

2. It more specifically deplored the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, particularly targeting migrants and refugees, as well as people of African descent. It also expressed its concern that political leaders and parties have supported such an environment. Furthermore, it declared to be itself “alarmed at the spread in many parts of the world of various racist extremist movements based on ideologies that seek to promote populist, nationalist, right-wing agendas and racial superiority”, while stressing “that these practices fuel racism, racial discrimination, xenophobia and related intolerance”.

3. After reaffirming that the “global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations” continues to be a matter of priority for the international community, the General Assembly includes in its resolution an overview of actions to be undertaken in that direction. It is under Part VII devoted to the follow-up and implementation activities, where the General Assembly request the Human Rights Council “to continue to pay attention to the situation regarding racial equality in the world” and, more concretely, to prepare through its Advisory Committee “a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps”.[[2]](#footnote-3)

4. The Advisory Committee commenced its work on the issue at its twenty-first session (August 2018). A drafting group was established and discussions were hold during its twenty-second, twenty-third and twenty forth sessions. Current members of the drafting group are: Buhm-Suk Baek,Milena Costas Trascasas (Rapporteur), Iurii Alexandrovich Kolesnikov, José Augusto Lindgren Alves, Ajai Malhotra, Itsuko Nakai, Mona Omar, Elizabeth Salmón, Patrycja Sasnal, Dheerujlall Seetulsingh (Chair) and Catherine Van de Heyning.

5. The Advisory Committee would like to thank those Member States and NGOs who provided timely replies to the questionnaire circulated by its Secretariat among all interested stakeholders.[[3]](#footnote-4) The Members of the Advisory Committee want also to express their gratitude to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for her inputs to this study.[[4]](#footnote-5)

 B. Preliminary insights

6. At the dawn of celebrating the twentieth anniversary of the 2001 Durban Declaration and Plan of Action (DDPA), the international community must take stock of the progress made in the global action against racism. Such exercise specifically should serve to identify main obstacles and setbacks that such action has encountered over the past three decades. It is true: our societies continue to face the scourge of racism and racial discrimination. This phenomenon continues to be widespread and pervasive, affecting countries and regions all across the globe. But time does not pass in vain and, despite all, today we have a better understanding of the drivers of racism and more knowledge about its root causes.

7. Governments, people and societies are equally much more aware of the pernicious societal effects resulting from direct and indirect manifestations of racism. Moreover, experience has taught us that systematic discrimination, disregard or exclusion, is often among the root causes of violent conflict. On the contrary, equality, tolerance, solidarity and integration are values to cultivate as they lead to tangible benefits not only in terms of peaceful coexistence. They also trigger advancement towards more participative, democratic, prosperous and developed (in every sense of the term) societies. There is also a cumulative knowledge drawn from the various national and regional experiences and policies that, if well channelled, may enormously contribute to strengthening collective action against racism.[[5]](#footnote-6)

8. The Secretary General in its 2020 report on the state of implementation of the “Global Call against Racism” concludes that stronger political will and more resolute action are needed to effectively tackle entrenched structural and systemic racism and racial discrimination. He particularly recommends focusing not only on the current impact of these disparities on groups and communities, but also on the root causes. Member States “to invest in tools and analysis to help better understand the scope of systemic racial discrimination, including through the collection and analysis of disaggregated data by ethnicity and race” (A/75/561, par. 77)

9. The killing of George Floyd in Minnesota and the “Black Lives Matter” movement may be seen as the umpteenth wake-up call to the international community as “people are increasingly impatient to see addressed the deeply rooted structural inequalities and racism” (Ibid, par. 72). In fact, such explicit and violent manifestations of racism are only the tip of the iceberg, the expression of more entrenched and profound problems afflicting societies. The momentum has come to embrace more decisive policies and means to bring about racial equality in a sustainable manner. It is urgent to undertake a comprehensive action at both national and international level to address structural and systemic racial discrimination. The Human Rights Council resolution 43/1, requesting the preparation of a comprehensive study on systemic racism in law enforcement by the High Commissioner, is a first step in the right direction.

10. Long-term and strategic approaches are essential to effectively eradicate structural and institutional racism, i.e. when patterns of behaviour and attitudes of a racist, xenophobic or intolerant nature have crystalized within social structures. Such discrimination “is linked, inter alia, to the persistence of deeply rooted racial prejudice and negative stereotypes in societies” (A/66/313, par. 10) Structural discrimination displays its effects in all social fields. It particularly contributes to disproportionately promoting racial disparities in the practice of criminal arrests, prosecution, and prison terms; differentially affecting the enjoyment of rights such as personal liberty, access to justice, effective judicial protection and equality before the law.[[6]](#footnote-7)

11. Against this background, the concept of “racial equality” must be understood not as an utopia but as a very concrete goal; the goal of achieving a system where human beings are given equal opportunities regardless of the conditions that are perceived by others as distinct to themselves. The achievement of this ultimate goal requires deconstructing the concept of racism and dismantling the spurious pillars over which this phenomenon was built and has perpetuated all across the history.

 II. Global action against racism: steps taken so far

12. The Durban Declaration and Programme of Action (DDPA) and the outcome document of the Durban Review Conference (DRC) provide a comprehensive framework for the fight against racism. For many years, the main challenge has been the implementation of their outcomes.

 A. Normative action

13. In the effective implementation of obligations contained in the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the quasi-universal ratification and the action of its monitoring body (CERD) has been decisive for the enactment of laws and the implementation of a range of national measures aimed at prohibiting and eliminating racial discrimination, including normative gaps.[[7]](#footnote-8) The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance complements this conventional specific mechanism by providing a very valuable support to Member States in addressing normative gaps.[[8]](#footnote-9) Other remarkable initiatives intended to harmonize national legislation have been taken by regional organizations.[[9]](#footnote-10)

14. The new and contemporary forms of racism, including xenophobia and other related intolerance, are being addressed with a view of completing the 1965 UN Convention by means of a new Protocol.[[10]](#footnote-11) International action has been also undertaken to address new developments that may contribute to the spread of hatred based on racial-oriented prejudices, particularly through the Internet and social networks. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, constitute an important milestone in this sense.[[11]](#footnote-12)

 B. Policy action

15. By means of Resolution 72/157 the General Assembly launched a “Global Call for Concrete Action for the Total Elimination of Racism and Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up the Durban Declaration and Programme of Action” (Global Action from now on). This global call originates in the lack of advancement or of full implementation of most of the actions and programmes undertaken over the past three decades to combat racism and racial discrimination. The convening of the 2009 Review Conference responded to the same failure in achieving the objectives set by the programmes of action of the 2001 Durban Conference.

16. All these declarations suggest a kind of inefficiency or rather a lack of political will that needs to be overcome. The Working Group of Experts on People of African Descent has recently noted in this respect that “despite a robust framework to reduce inequality, implementation remains a key challenge, in many States, that is certainly linked to political will”.[[12]](#footnote-13)

17. The proclamation by the General Assembly of the International Decade for People of African Descent (2015-2024), shows that the promotion and protection of human rights of people of African descent has become a priority concern for the UN. R[esolution 68/237](http://undocs.org/A/RES/68/237), refers to the need to strengthen national, regional and international cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent “and their full and equal participation in all aspects of society”.

18. The linkages of these initiatives with other international and regional agendas such as the African Union’s Agenda 2063 and the 2030 Agenda for Sustainable Development Goals should be enhanced. Particularly relevant for this study is SDG 10, calling for “reducing inequalities”. Target 10.2 commits to international community to “empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status” by 2030, while Target 10.3 to “ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.”

 C. Institutional action

19. In addition to the CEAR and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a number of bodies in charge of developing standards on protection against racial discrimination and advancement on the implementation of the international agendas in the field have been established both at international and regional level, particularly in Europe and the Americas. Under domestic law, there are also an increasing number of specific bodies.

 Durban follow-up mechanisms

20. There are four Durban follow-up mechanisms, namely the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African Descent. Most of these “ad hoc” bodies discuss over their respective sessions the state of racial discrimination worldwide and measures to enhance its effectiveness, also with a view to ensure better synergies between those mechanisms (A/75/562, par. 50)

 Equality bodies

21. This wider institutional infrastructure to promote equality and non-discrimination has been enhanced at the national level trough the establishment of specialized bodies generally known as “equality bodies”. These bodies are usually different from the national human rights institutions and have a focussed and specific mandate.[[13]](#footnote-14) Although these bodies and mechanisms are usually established to promote non-discrimination and racial equality in public policies, they may also play a role vis-à-vis the private sector.[[14]](#footnote-15) The DDPA and its follow-up (DFU) refer to the need of establishing or strengthening these bodies and also encourage Member States to equip them adequately, particularly by suitable financial resources, capabilities and capacities to survey, investigate, educate and undertake public awareness-raising activities.[[15]](#footnote-16)

22. In Europe, these bodies have particularly proliferated under the aegis of the European Union and the Council of Europe and are coordinated by the EQUINET, the European Network of Equality Bodies.[[16]](#footnote-17) They have been set-up in accordance to EU equal treatment legislation to combat discrimination based on race and ethnic origin, as well as gender.[[17]](#footnote-18)

 Support from the OHCHR

23. The OHCHR provides substantive and technical support in the implementation of the Durban Declaration and Programme of Action through support to these follow-up mechanisms as well as by assisting countries in the development of anti-racial discrimination laws and national plans by providing them expert and technical advice.[[18]](#footnote-19) The OHCHR also coordinates the UN network on racial discrimination and protection of minorities, bringing together over 20 UN departments, agencies, programmes and funds. This network jointly chaired with the UNESCO provides a valuable framework for increasing inter-agency collaboration on combating racism.[[19]](#footnote-20)

 III. Gaps, overlaps and challenges

24. This section will address the main challenges observed in national and international action from normative, policy and operational point of view. It will be developed on the basis of the AC’s discussion and consultation with other relevant experts and stakeholders.

 IV. Deconstructing racism to build racial equality

25. Provided that the human race is only one, racism can only be approached as a social-cultural construction leading −*de iure* or *de facto*−to a discrimination of people presenting different physical or cultural characteristics.[[20]](#footnote-21) Under international human rights law, the prohibition of racism and racial discrimination is absolute. Article 1.1 of the ICERD defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

26. Under Article 2.1 States undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and establishes a series of actions to that end. The second paragraph of this article refers specifically to the special and concrete measures that States shall take, when circumstances do allow, to ensure the full access of certain racial groups or individuals to the “full and equal enjoyment of human rights and fundamental freedoms”. This prohibition encompasses any kind of direct or indirect discrimination.[[21]](#footnote-22) This implies not only banning non-discrimination itself, but also prohibiting policies and actions that are prima facie non-discriminatory, but which in practice have discriminatory effects. Such effects are the consequence of apparently race-neutral measures but impacting on the situation of minorities in a disproportionate way (A/HRC/11/36, par. 32).

27. Article 5 of the Convention requires a guarantee that the exercise of human rights shall be free from racial discrimination and obliges States to prohibit and eliminate racial discrimination in the enjoyment of human rights. In the final part, this disposition specifically refers to the right to equal enjoyment of economic, social and cultural rights, particularly, the right to work, to form and join trade unions, the right to housing, the right to public health, medical care, social security and social services, the right to education and the right to equal participation in cultural activities. States must particularly monitor that any restriction imposed upon any of the rights listed in this article does not entail racial discrimination.

28. Although human rights instruments do not explicitly refer to “racial equality” as such, this concept derives from the general principle of international law according to which all human beings and all peoples are equal in dignity and rights, irrespective of race, colour and origin. This is therefore an overarching principle and of cross-cutting nature that complements the principle of non-discrimination.[[22]](#footnote-23) However, non-discrimination seems to encapsulate a negative obligation while the principle of equality would rather require positive obligations to achieve its fulfilment, particularly the equal access to economic, social and cultural rights.

 A. Substantive equality

29. States must take to fulfil their obligation to achieve substantive racial equality. According the Special Rapporteur “the prohibition on racial discrimination in international human rights law aims at much more than a formal vision of equality.[[23]](#footnote-24) Equality in the international human rights framework is substantive, and requires States to take action to combat intentional or purposeful racial discrimination, as well as to combat de facto or unintentional racial discrimination (A/HRC/38/52, par. 18) The Committee on ESCR has stated in this regard that: “eliminating discrimination in practice requires paying sufficient attention to the groups of individuals which suffer historical or persistent prejudice, instead of merely comparing the formal treatment of individuals in similar circumstances”.[[24]](#footnote-25)

30. Actually, in the achievement of substantive equality the prohibition of discrimination requires going beyond the mere formal and legal acknowledge and political commitments. In order to comply with this obligation States must take actions and measures to address: 1) direct and express acts of discrimination, i.e. those entailing intentional or purposeful rational discrimination; 2) de facto racial discrimination undertaking actions oriented to actively identify and dismantle manifestations of institutional and structural discrimination; 3) palliate the effects of inequality deriving from structural discrimination; 4) prevent the occurrence of acts of direct and indirect discrimination by forging and environment whereby people may have access to equal opportunities.

31. Being less explicit and apparent, indirect discrimination operates under the couverture of the legal frameworks, structures, institutions and permeates the procedures, protocols and practices that operationalize it. When laws are systematically interpreted in a restrictive manner, the resulting decisions negatively impacting protected groups may be interiorised and replicated by all actors and in all areas and processes. This is what is technically known as “institutional” “structural” or “systemic” discrimination.

32. As the Special Rapporteur has observed: “although some States have renounced explicit discriminatory practices and have adopted fairer-seeming laws and policies, many States continue to permit institutional or indirect discrimination based on race, colour, ethnicity and religion” (A/HRC/38/52, par. 11). In her report she provides examples of laws related to citizenship, nationality and immigration, an area where States regularly engage in indirect racial discrimination “through policies and rhetoric that make no reference to race, ethnicity or national origin, and that are wrongly presumed to apply equally to all” (par. 14).

33. The concept of “intersectionality” highlights that discrimination on the basis of race is often inextricably linked with other discriminatory factors. Applying an intersectional approach means to recognise and address the impact intersecting forms of historical and structural discrimination such as race, class, sexual orientation and gender identity, disability. In this sense, the EU antiracism action plan 2020-2025 “A Union of equality” acknowledges the need of proactive policies to address the impact of structural racism that “can be as profound and harmful as individual racism”. According the document, “an intersectional perspective deepens understanding of structural racism and makes responses more effective”.[[25]](#footnote-26) Intersectionality rightly seeks to capture both, the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination. It calls for a comprehensive approach to the particular context and circumstances that potentially may result in multiple and cumulative layers of inequality burdening individuals triggering a dynamic of subjective disempowerment.[[26]](#footnote-27)

34. Racial discrimination and poverty are intrinsically connected (A/HRC/11/36, pars. 16-19). Putting the focus in poverty makes more easily apparent structural failures particularly in relation with the distributive policies. Therefore this may still be adequate for policies aimed at strengthening racial equality particularly in the socio-economic sphere. Actually, it is particularly through measures to reduce poverty that the principle of racial equality may be enhanced. Indeed, under the framework of policies addressed to reduce poverty, more specific actions addressed to palliate the combined effect resulting from multiple discrimination factors could be also introduced.

 B. Transformative equality

35. Transformative equality has been defined as that intended to eliminate those stereotypes, narratives and fallacious believes that contribute to undermine the swift achievement of racial equality. To a grand extent, such stereotypes have a major impact on the underrepresentation of minority groups and often are at the origin of structural obstacles that prevent them from participating in certain areas, be integrated in the wealth of the country and ultimately, access to the decisional structures.[[27]](#footnote-28) Racial equality may require the inclusion of racially subordinated groups and their representatives in policy making and actions directed towards. This section would be developed on the basis of consults and individual interviews with experts. The idea is to identify policies, and examples of positive measures that may contribute to swift the path towards equality.

 C. Special measures

36. Special measures may be the adequate instrument to make effective the introduction of structural changes that are required to introduce a transformative agenda. All anti-discrimination instruments recognized the need of adopting special measures as a mean to advance effective equality. Articles 1.4 and 2.2 of the Convention refer to the possibility for States to adopt “specific and concrete measures” in the social, economic, cultural and other fields for the purpose of guaranteeing the full and equal enjoyment of human rights and fundamental freedoms to certain racial groups or individuals belonging to them.[[28]](#footnote-29) Such measures are thus aimed at ensuring the adequate development and protection of the targeted groups.[[29]](#footnote-30) They may particularly include preferential regimes in areas such as employment, housing, education, culture and participation in public life for disfavoured groups, together with other measures of more general scope, i.e. laws, plans, policies and programmes.

37. Measures must be directed to the “adequate advancement”, i.e. must be embedded in goal-directed programmes specifically addressed to the objective of alleviating and remedying disparities in the enjoyment of rights and freedoms by protecting the targeted groups or individuals from discrimination. This particularly includes persistent or structural disparities and *de facto* inequalities resulting from the circumstances of history that continue to deny to vulnerable groups and individuals the advantages essential for the full development of the human personality.[[30]](#footnote-31)

38. Actually, “positive” measures may only be legitimated when are adopted with temporal character and to ensuring the full equality in practice by ensuring equal enjoyment of human rights and fundamental freedoms to those disadvantaged. They must be therefore taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection and extend until the objectives have been reached.[[31]](#footnote-32) Special measures must not lead, however, to the maintenance of separate rights for different racial groups.[[32]](#footnote-33)

39. These elements acquire a particular significance in view that measures falling to comply with them may be deemed to be discriminatory. However, special measures are not be seen an exception to the principle of non-discrimination but as a part of it since their implementation is necessary for the elimination of racial discrimination and advancing human dignity and effective equality.[[33]](#footnote-34) Likewise, since these specific measures are aimed at preventing or compensating disadvantaged linked to racial or ethnic origin, they cannot be blamed of running against the principle of equality.[[34]](#footnote-35)

 V. Means and tools to assess the progress

40. The development of indicators and other operational tools may contribute to better direct national and international policies towards the achievement of racial equality as well as to assess progress in that direction. Not in vain, over the past years, it has been developed a human-rights approach to the collection of inclusive data and disaggregation.

41. The DDPA urged “States to collect, compile, analyse, disseminate and publish reliable statistical data (…) and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance (par. 92) and invited “States, intergovernmental organizations, nongovernmental organizations, academic institutions and the private sector to improve concepts and methods of data collection and analysis” (par. 93)

 A. Data collection

42. The collection of reliable and disaggregated data by ethnic or racial origin continues to encounter several obstacles −in law and practice− in a number of Member States.[[35]](#footnote-36) Potential risks of misuse or abuse are among the main concerns as well as others related to the protection of such sensitive data.[[36]](#footnote-37) This is despite the fact that the need to collect disaggregated data in population statistics has been widely recognized as an essential tool to enable the success of long-term strategies and policies on racial discrimination.[[37]](#footnote-38) Such data is not only essential for the design and development of policies and concrete measures but also for monitoring and evaluating the outcomes of anti-racial discrimination public policies.

43. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has repeatedly recalled States that the collection of such disaggregated data is in the interest of the victims of racial discrimination who otherwise may rest invisible (A/HRC/11/36, par. 23)[[38]](#footnote-39) Actually, such information may help Member States to better understand the scope of systemic racial discrimination and thus to tackling more effectively the structural aspects of racism and discrimination.[[39]](#footnote-40) This is particularly true for the implementation of the “special measures” under article 1.4 of the Convention, as they can only be adequately tailored if grounded in a realistic appraisal of the situation of the targeted individuals and communities.[[40]](#footnote-41)

44. Moreover, an obligation “to collect ethically disaggregated data with a view to fighting discrimination” may have arisen under human rights law as a necessary means “for monitoring the realization, protection and promotion of human rights” and “upholding the principles of non-discrimination and equality” (A/70/335, par. 13) This could be configured as a positive obligation falling upon the States as being instrumental to assess compliance with the overarching principle of non-discrimination. It would be directly connected with the general obligation of adopting all measures necessary for assessing progress toward the realization of human rights, particularly to monitor the effectiveness of socio-economic measures implemented to remedy imbalances.[[41]](#footnote-42)

45. Nevertheless, it must be acknowledged that the absence of data disaggregated on ethnicity may be linked to challenges and issues related to feasibility and practicality as well as the fact that its compilation may require significant amount of resources and capacity (A/70/335, para. 36) A conflict of interest may also arise in relation to the collection and the analysis of such sensible data and information. While the data gathering function is usually undertaken by service providers, the analysis and interpretation of information must be assigned to an independent entity capable of doing so from a human rights perspective Ibid, para. 64)[[42]](#footnote-43)

 B. Disaggregated data on race or ethnicity

46. The value of disaggregated data in the design, adaptation, implementation and monitoring of measures to advance human rights is undeniable. Today, it is amply recognized that “data and information emerge as fundamental tools for the design, implementation and monitoring of actions aimed at guaranteeing the rights of these groups”.[[43]](#footnote-44) Data broken down by ethnic groups may reveal the inequalities that may exist in the realization of rights among the different groups and a more nuanced approach to the needs.[[44]](#footnote-45) Furthermore, such information may be essential to the detection of direct or indirect discrimination and, therefore, to measure racial inequality and discrimination.[[45]](#footnote-46) Disaggregated data may also help to make more visible and to provide evidence for targeted policymaking focussing on their integration.[[46]](#footnote-47) Actually, the persistent statistical invisibility is deem to be another expression of structural racism.

47. But getting this information at the desired level may not be always practical or feasible. Legal barriers or particular sensitivities of this data, continues to be a major barrier to its collection. Disaggregation of data by race, religion or ethnicity may also be discouraged when there is a risk they be used wrongly, for political purposes or to create social division. The possibility of stereotypes and biases affecting data on minority population groups (ethnic, linguistic, national, racial, religious, indigenous and nomadic populations) has been broadly acknowledged.

48. Human rights bodies in their recommendations have always encouraged the disaggregation of data on the prohibited grounds of discrimination, but the decision concerning the disaggregation of census, administrative or survey data rests with the national authorities and is made contingent to national circumstances. States are not then obliged to disaggregate statistical information by racial or ethnic characteristics or other potentially sensitive data.[[47]](#footnote-48) Nevertheless, in view of the need to use this data at the decision making level, it appears to be a favourable trend towards admitting the difficulty to addressing inequalities and discrimination in an effective and adequate manner without it.[[48]](#footnote-49)

49. It has been recommended in this sense that due to the special vulnerability to discrimination of certain minority groups, the free and open declaration of the respondents is of essential importance. Special care in census procedures and outputs may also be required in order to demonstrate to respondents that appropriate data protection and disclosure control measures are in place. It is important that the responding public be informed of the potential uses and need for data pertaining to ethnicity. Countries may also decide to collect such data on a voluntary basis if this is permitted according to national legislation.[[49]](#footnote-50)

50. Provided that the collection of disaggregated data on ethnicity basis may be easily misused and instrumentalized, there is a need to ensure that at the same time, there is an adequate legal framework, entailing data protection regulations and privacy guarantees) specifically set to protect the right to privacy during that process.[[50]](#footnote-51) Guaranteeing that the process of collecting data is carried out properly requires also the establishment and implementation of the necessary safeguards aimed at protecting the human rights of individuals and groups targeted as a prerequisite to the collection of such data. So far, three main principles have been developed in this sense.[[51]](#footnote-52)

51. First, although the collection of that data can be justified for reasons of substantial public interest, States must ensure the application of strict data protection regulations and privacy guarantees.[[52]](#footnote-53) This implies not only the individual’s consent, but also that they remain under control of the personal information, at least in absolute terms. Moreover, in any circumstances such data can be used to take decisions relating to those persons from whom the data has been collected. Methodological, legal and ethical safeguards may help to reduce abuses of personal data have been proposed (i.e. the rapid transformation of data into statistical data) However, it must be acknowledged that ensuring the protection of data all along the process of collection and afterwards, remains challenging today. The lack of proper safeguards, practices and adequate institutions to guarantee fully privacy and the safety of the data may be, however, problematic in many countries.

52. The second principle applicable to the collection of ethnically disaggregated data is self-identification. Individuals have a right to assert their own identify, that cannot be imposed by third parties or by the State. The challenge here remains that the identification of ethnic groups may rely on both evolving objective and subjective criteria and, what is more problematic, the prior establishment of ethnic categories.

53. The quantity and accuracy of the information gathered may therefore rely to a great extent in the confidence and trust that the concerned individuals may place on the whole process. Offering guarantees that the individual will not be adversely affected in any means by such declaration may be challenging but the only way to overcome the distrust that may lead to underreporting by members of certain communities.

54. Precisely, the participation in this process of the targeted populations is another important safeguard intended to building confidence between the authorities and the concerned groups as well as to better design the survey by including the relevant indicators. It has been argued that the involvement of the targeted groups may effectively contribute not only to the effectiveness of the anti-discrimination legislation, policies and programmes in place, by giving them the right to be informed about the results of data collection as well as of the progress in the implementation of the resulting public policies.

55. Encouraging the members of the population to actively contribute to the decision-making process surrounding the collection of data may be an important guiding principle. There is, however, a need of identifying mechanisms and developing means to ensure that members of ethnics groups, particularly the most vulnerable and marginalized, are effectively given the opportunity of having a meaningful involvement and participating throughout this process.

56. In view of the above reflexions, we cannot but conclude that the collection of disaggregated data on ethnic or racial basis remains a challenging task. The lack of or mechanism or the lack of reliable data hinders the design and assessment of targeted and adequate measures as well as jeopardizes the accountability of public policies at both the national and international levels. Accurate policies to reduce inequalities may be supported by evidence-based data and information. Mechanism and adequate institutional frameworks for the collection of personal data should therefore be developed at national level to ensure that they comply with human rights safeguards and are accountable over the whole process, which includes the collection, analysis and release of the results.

 C. Indicators

57. Indicators are essential means for tacking discrimination and inequality.[[53]](#footnote-54) Particularly those oriented to provide data disaggregated by ethnicity on economic, social, cultural, civil and political issues may be useful to identify patterns of violations and mapping existing gaps and needs (A/70/335, par. 2) Not only, information collected on the basis of adequate indicators may also feed the policymaking processes and serve to follow-up and evaluate the impact of existing measures. Member States, human rights monitoring bodies and civil society may also resort to them in order to monitor progress, at several levels, or setbacks in relation to racial equality.[[54]](#footnote-55) Particularly in the area of economic, social and cultural rights indicators, both quantitative and qualitative, are instrumental to measure progress in the realization of human rights and guide the formulation of targeted policies.[[55]](#footnote-56)

58. Developing a special set of indicators related to racial discrimination may be a key tool to support the implementation of anti-racial discrimination policies at both national and international level. They may also contribute to monitor the efficacy of special measures as well as to evaluate their impact by assessing the success, the need to adjust or terminate the programmes and plans where they are embedded once the objectives established have been reached.

59. The Committee on the Elimination of Racial Discrimination would be the most adequate body to develop indicators on the basis of its monitoring activities and the criteria and sub-criteria for the operationalization of racial equality. Already in 2005, it elaborated a set of indicators of patterns of systematic and massive racial discrimination intended to strengthen its capacity to prevent at the earliest possible stage developments in racial discrimination that may lead to violent conflict and genocide.[[56]](#footnote-57) Such indicators were addressed to strengthening and refining UN early warning and urgent action systems, as well as follow‑up procedures in all situations where indicators suggest the increased possibility of violent conflict or of other grave violations, such as genocide or apartheid.[[57]](#footnote-58)

60. In this regard, a recent publication of the Economic Commission for Latin America and the Caribbean (ECLAC) and the Regional Office for South America of the OHCHR, includes a set of indicators oriented to measure inequalities between people of African descent and the non-Afro descendent population.[[58]](#footnote-59) It is also remarkable, the “Operational Guidelines on the inclusion of People of African Descent in the 2030 Agenda”, adopted the 9 December 2020 at the 26th Session of the Working Group of Experts on People of African Descent.[[59]](#footnote-60) In this document the working group reiterates the call upon States to provide disaggregated data in order to allow better acknowledge of the situation to address inequalities issues.[[60]](#footnote-61)

 D. National action plans

61. National action plans on racism have demonstrated to be a very useful tool towards racial equality. Such plans are the basis for the development of a comprehensive public policy against racial discrimination as they may include strategic and concrete measures to prevent, combat and eradicate racial discrimination.[[61]](#footnote-62) The singularity of each action plan allows to effectively targeting national policies towards the elimination of racism and racial discrimination taking into account the particular circumstances of each country. In addition, national strategies, policies and plans use appropriate indicators and benchmarks, disaggregated basis.

62. The elaboration of these plans is a significant tool for Member States in the path towards racial equality both nationally and internationally. However, the number of Member States who have adopted such plans is still low.[[62]](#footnote-63) For example, according to a report of the EU Fundamental Rights Agency, as of June 2020 only 15 EU Member States had such plans.[[63]](#footnote-64)

63. It is however, extremely important that such national plans be properly financed and connected with national development plans and in the framework of the implementation of the SDGs. Actually elimination of structural racism and racial discrimination must be seen and pursued as a requirement for sustainable development and economic grow.

 VI. Concluding remarks

64. The achievement of racial equality requires pushing the human rights agenda into a new level that favours concrete actions allowing for the prioritization of a structural and intersectional approach to racial discrimination.[[64]](#footnote-65) Achieving substantive equality requires approaching and addressing discrimination from a more strategic and comprehensive policies aimed at analysing the way in which discriminatory practices impact those affected. The implementation of such policies may also require a more empirical methodology, and the integration of socio-economic variables and intersectional approaches, as well as the establishment of benchmarks and indicators. All such actions need committing resources, both human and financial, to the achievement of the marked goals.

65. The adoption of measures on racial equality as well as their assessment relies to a great extent on Member States’ capacities to collect accurate data in a reliable and systematic manner.[[65]](#footnote-66) The possibility to resort on that information for its analysis and comparison has demonstrated also to be pivotal in allowing the human rights monitoring bodies to assess progress made in relation to racial equality at national level and across the world. Human rights safeguards should be developed and collected in a document bringing together all applicable standards and putting forward proposals to enhance individual’s rights protection in this context, providing for enhanced safeguards on privacy and confidentiality.

66. At the same time, the establishment of a coordinating body at the UN level could be considered. Such body would provide technical and capacity-building support, compile best practices; support countries to identify main challenges, as well as propose guidelines and mechanisms to support Member States in the task of collecting and analysing information on discrimination. Data would be collected exclusively with the purpose of measuring and promoting progress towards racial equality from an intersectional perspective, and in line with human rights standards.

67. Such body could also propose actions and contribute to better tailoring recommendations provided by treaty bodies and special procedures. Additionally, it could contribute to ensure the inclusion of adequate indicators in statistical bodies, such as the Statistical Commission by measuring the human rights impact of policies related to development and by establishing specific measures that capture the cross-cutting human rights principle of non-discrimination and equality.[[66]](#footnote-67) In this sense, it could work in coordination with other regional bodies operating in different fields to promote a human-rights based approach to the collection of development statistics and indicators aimed at accurately measure levels of discrimination and to assess the impact of social and economic policies.

 VII. Recommendations

68. Recommendations should be addressed to suggest means aimed at fostering racial equality as well as strengthening cooperation between Member States to that end. One possible recommendation could be that the three main stages identified (namely, formal equality, substantive equality and transformative equality), may be adopted as a basic international framework over which a more elaborated strategy with concrete objectives, benchmarks and indicators, could be developed. Such strategy should be drawn from the outcomes (both positive and negative) of the implementation of the DDPA and the DFU.

69. Provided that existing national and international mechanism are functioning and well oriented towards the elimination of explicit racial discrimination, this document could be framed as a new Agenda on Racial Equality predominantly oriented towards the achievement of “racial equality”. An assessment on the implementation of the DDPA and DFU recommendations would be the starting point to the elaboration of indicators. Indicators may be adapted to the concrete situation of each country.

70. Other recommendations may focus on specific actions recommended to dismantle institutional and structural discrimination. On the basis of the recommendations of the CERD and the Special Rapporteur it is possible to identify key actions, such as undertaking a complete review of national legislation under the filter of racial discrimination and equality in order to identify gaps as well as the need to setting-up of specific bodies that could be charged of doing so.

71. It is important, however, to underline that we are not proposing a one fit all solution since each country must find their own way and thus tailoring policies and strategies according their particular context and background. Nevertheless some common elements may be drawn from the experiences of countries that have traversed different processes over the history (i.e. decolonisation, apartheid, occupation) as well as from specific minorities (i.e. indigenous, Afro-Americans, Roma). These perspectives could be also introduced together with the idea of the intersectionality of the several discrimination grounds (i.e. racial prejudice, nationality, migration status etc.).

72. Successful experiences of empowerment of minorities and the process bringing them towards a participatory democracy and the elimination of systems built on racial segregation and systematic racial discrimination should be put into the fore. A compilation of good practices on special or affirmative measures giving also account on particular experiences regarding assessment and measurement of the outcomes could also be elaborated.

1. This preliminary draft contains an overview of main elements and issues to be included in the final study. [↑](#footnote-ref-2)
2. See also A/RES/74/137, par. 26. [↑](#footnote-ref-3)
3. Member States: Azerbaijan, Bahrain, Italy, Mexico, Portugal, Switzerland, United Arab Emirates, Brazil and Honduras. NGOs: Action on Smoking and Health, IMDAR, International Dalit Solidarity Network, NGO Monitor. [↑](#footnote-ref-4)
4. OHCHR experts have also deliver presentations on the issue before the Advisory Committee. [↑](#footnote-ref-5)
5. Measures undertaken by Member States, the Durban follow-up mechanisms and the OHCHR to counter-racial discrimination have been collected by the Secretary General in his successive reports related to the global call for concrete action for the global elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up of the Durban Declaration and Programme of Action. See: A/75/561. [↑](#footnote-ref-6)
6. https://www.oas.org/en/iachr/media\_center/PReleases/2020/129.asp. [↑](#footnote-ref-7)
7. 182 States parties as of 8 May 2020. [↑](#footnote-ref-8)
8. See particularly the report on the issue of racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration (A/HRC/38/52). [↑](#footnote-ref-9)
9. Such as the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, adopted on 6 June 2013. [↑](#footnote-ref-10)
10. This is he mandate of the Ac Hoc Committee on he Elaboration of Complementary Standards to the ICERD. [↑](#footnote-ref-11)
11. See: A/HRC/22/17/Add.4, appendix. [↑](#footnote-ref-12)
12. “Operational Guidelines on the inclusion of People of African Descent in the 2030 Agenda”, adopted the 9 December 2020 at the 26th Session of the Working Group of Experts on People of African Descent, p. 53. See also: “[Swift and decisive action needed to end racial discrimination](file:///C%3A/Users/M-electronics/Desktop/GLOBAL%20CALL/Swift%20and%20decisive%20action%20needed%20to%20end%20racial%20discrimination%2C%20say%20UN%20experts%2C%20Geneva%20%2824%20September%202019%29)”, say UN experts, Geneva (24 September 2019). [↑](#footnote-ref-13)
13. In the report (A/71/301) to the General Assembly in 2016, the former SR includes a set of recommendations in order to ensure the independence and the effectiveness of such bodies. See also: European Commission against Racism and Intolerance (ECRI) [General Policy Recommendation N°2 revised on Equality Bodies to combat racism and intolerance at national level](https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.2) - adopted on 13 June 1997 and revised on 7 December 2017. [↑](#footnote-ref-14)
14. They should be mandated to work towards the elimination of various forms of discrimination; to monitor the content and effect of legislation with the aim of combating racism; to advise the legislative and executive authorities with a view to improving regulations and practices in the relevant fields; to provide assistance to victims, including legal aid, in order to secure their rights before institutions and the courts; to hear and consider complaints and petitions concerning specific cases and to seek settlements; to issue advice on standards of anti-discriminatory on standards of anti-discriminatory practice in areas of their application; to contribute to the training of key groups; to promote the awareness of the general public on issues of discrimination and to produce and publish pertinent information and documents. Speech by Mr Yury Boychenko, Chief of the Anti-Racial Discrimination Section, OHCHR, Annual Seminar organized by the European Commission against Racism and Intolerance (ECRI) for Member States and Equality Bodies.24 May 2018, Strasbourg; https://rm.coe.int/annual-seminar-organized-by-the-european-commission-against-racism-and/16808c55f3. [↑](#footnote-ref-15)
15. DDPA, par. 116 and FU par. 115. [↑](#footnote-ref-16)
16. https://equineteurope.org/what-are-equality-bodies/. [↑](#footnote-ref-17)
17. Many Member States have gone beyond these requirements and ensured that equality bodies can also deal with discrimination based on other grounds. [↑](#footnote-ref-18)
18. Equality and non-discrimination are among the strategic priorities of the OHCHR. [↑](#footnote-ref-19)
19. This network was created by decision of the Secretary-General at the 6 March 2012 meeting of the Policy Committee, with the main goal of providing a platform to address issues of racial discrimination and the protection of national or ethnic, linguistic and religious minorities, including issues of multiple and intersecting forms of discrimination based on gender, disability, age and other grounds. See: https://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx. [↑](#footnote-ref-20)
20. According article 2.2 of the 1978 UNESCO Declaration on Race and Racial Prejudice, the term racism encompasses “racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts; it hinders the development of victims, pervert those who practice it, divides nations internally, impedes international cooperation and gives rise to political tensions between peoples; it is contrary to the fundamental principles of international law, and consequently, seriously disturbs international peace and security”. [↑](#footnote-ref-21)
21. See: Committee on Economic, Social and Cultural Rights; General Comment n. 20 “Non-discrimination in economic, social and cultural rights (art.2.2. of the International Covenant on Economic, Social and Cultural Rights), E/C.13/GC/20, par. 10. [↑](#footnote-ref-22)
22. As the former Special Rapporteur observed, “because of the historical legacies or racism in most parts, of the world, simply implementing the right to non-discrimination will not help redress the large disparities created over the course of centuries of discrimination; rather, they will simply maintain the current gap between minorities and majorities. Specific actions are therefore needed to redress these historical imbalances in order to promote real equality” (A/HRC/11/36, par. 36). [↑](#footnote-ref-23)
23. In her submission to the Advisory Committee, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance stated that the momentum has arrived to infusing the human rights agenda with a commit to substantive racial equality. [↑](#footnote-ref-24)
24. General Comment n.20 “Non-discrimination in economic, social and cultural rights” 2 July 2009, par. 8. [↑](#footnote-ref-25)
25. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [A Union of equality: EU anti-racism action plan 2020-2025](https://ec.europa.eu/info/sites/info/files/a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf), 18 September 2020. [↑](#footnote-ref-26)
26. A more detailed definition can be found in: Division for the Advancement of Women, OHCHR and United Nations Development Fund for Women, “Gender and racial discrimination: report of the Expert Group Meeting, 21-14 November 2000”. [↑](#footnote-ref-27)
27. M Freeman, C Chinkin, B Rudolf, “Article 8” in M Freeman, C Chinkin, B Rudolf (eds), The UN Convention on the Elimination of All Forms of Violence Against Women: A Commentary (2012) 221 (Freeman, Chinkin, Rudolf), pp 222 and 227. [↑](#footnote-ref-28)
28. According the Committee, the obligation to take special measures is distinct from the general positive obligation of States parties to secure human rights and fundamental freedoms on a non-discriminatory basis to persons and groups subject to their jurisdiction. [↑](#footnote-ref-29)
29. Other terms often used are “favourable” “affirmative” measures or “positive action”. The Committee has considered that the term “positive discrimination” should be avoided in the context of international human rights standards as it entails a *contradiction in terminis*. [↑](#footnote-ref-30)
30. However, it is not necessary to prove “historic” discrimination in order to validate a programme of special measures; the emphasis should be placed on correcting present disparities and on preventing further imbalances from arising. General Recommendation n. 32, par. 22. [↑](#footnote-ref-31)
31. Generally speaking, such measures should be appropriate to the situation to be remedied, be legitimate, necessary in a democratic society, respect the principles of fairness and proportionality, and be temporary. General Recommendation n. 32, pars. 16. [↑](#footnote-ref-32)
32. Art. 1.4 ICED is essentially a clarification of the meaning of discrimination when applied to special measures. [↑](#footnote-ref-33)
33. General Recommendation n. 32, par. 20. [↑](#footnote-ref-34)
34. See: Article 5 of the EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. [↑](#footnote-ref-35)
35. In some situations is even prohibited by law. [↑](#footnote-ref-36)
36. Even in the framework of the EU, where a common policy on racial and ethnic equality is being implemented, problems to collect this data are acknowledged to be an obstacle to a more harmonised approach in the field. A *Union of equity*, p. 16. [↑](#footnote-ref-37)
37. See: DDPA, pars. 103 and 104 (A/CONF.211/8). The Committee on the Elimination of Racial Discrimination has also included this requirement on its guidelines for reports to be submitted (CER/C/2007/par. 11). Also SDG 17 calls for the collection of disaggregated data to measures progress. Target 18 concretely refers to enhancing the capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts. [↑](#footnote-ref-38)
38. He has warned that the lack of disaggregated equality and non-discrimination data “has led to a serious information gap that limits effective policymaking at the national, regional and international levels” (A/70/335, par. 1). [↑](#footnote-ref-39)
39. *A Union of equity*, p. 16. A/75/562, par. 77. [↑](#footnote-ref-40)
40. General Recommendation n. 32, pars. 16 y 17. [↑](#footnote-ref-41)
41. This obligation is explicitly contained in Article 12 of the 2013 Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance by means of which Member States are requested "to submit in their reports disaggregated data and statistics on groups in situations of vulnerability”. Of note is also the [African Charter on Statistics](https://au.int/sites/default/files/treaties/36412-treaty-african_charter_on_satistics_eng.pdf) adopted in the framework of the AU in 2009 and ratified by 23 States to serve as policy framework for statistics development in Africa, especially the production, management and dissemination of statistical data and information at national, regional and continental levels. In accordance with article 5, they “shall ensure the implementation of this Charter in their respective countries”. In the context of the EU, the European Commission has emphasised that although there is no requirement on UE Member States to collect equality data, its collection and analysis is necessary to fight discrimination and promote equality because it provides evidence of existing discrimination, making it transparent and quantifying it. [↑](#footnote-ref-42)
42. The Special Rapporteur has suggested that in Europe that task could be entrusted to the equality bodies, especially in order to guarantee the accountability of public service providers. He recommended that the result of data-collection exercised should be made public, in conformity with data safety and protection rules, in order to inform the population and specially the groups concerned, with a view to empowering them in seeking equal treatment”; Ibid., par. 86. [↑](#footnote-ref-43)
43. Ibid, p. 5. [↑](#footnote-ref-44)
44. However, such data should be further broken along the other prohibited grounds in order to address subtle forms of direct discrimination (A/70/335, par. 29). [↑](#footnote-ref-45)
45. OHCHR, p. 70. [↑](#footnote-ref-46)
46. Such data may be collected through in census and survey questionnaires. [↑](#footnote-ref-47)
47. The [*Principles and Recommendations for Population and Housing Censures*](https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/Population-and-Housing-Censuses/Series_M67rev3-E.pdf) stipulate that the decision to collect disaggregated data is dependent upon a number of considerations and national circumstances, for example, the national needs for such data, and the suitability and sensitivity of asking ethnicity questions. See: Department of Economic and Social Affairs Statistics Division, 2017, par. 4183. [↑](#footnote-ref-48)
48. OHCHR, p. 70. For example, data on ethno cultural characteristics of the population is of increasing relevance to countries in the context of migration, integration and minority policies. *Principles and Recommendations , op.cit*., par. 4172. [↑](#footnote-ref-49)
49. Ibid, pars. 4173 and 4183. [↑](#footnote-ref-50)
50. See in this regard , principle 5 of the African Charter on Statistics. [↑](#footnote-ref-51)
51. The DDPA requires that data collection be made with the explicit consent of respondents, based on their self-identification and consistent with human rights standards protecting privacy. In this regard see particularly: A/70/335, pars. 46-60. [↑](#footnote-ref-52)
52. A good example is provided by Article 8 of the [EU Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31995L0046&from=EN), establishes that “Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life.” However, “subject to the provision of suitable safeguards” Member States may establish exemptions on grounds of “substantial public interest” either by national law or by decision of the supervisory authority. Other relevant exceptions are found in paragraph 2 of this disposition. [↑](#footnote-ref-53)
53. The outcome document of the Durban Review Conference, recommended the development of indicators to inform policies and other measures to eliminate racial discrimination*, op,cit,* par. 98). [↑](#footnote-ref-54)
54. See: Nicolas Fasel, “The [indicators framework of OHCHR, applied to the right to development](https://www.ohchr.org/Documents/Publications/RightDevelopmentInteractive_EN.pdf)”, in OHCHR, *Realizing the Right to Development. Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development*, 2013, p 345. [↑](#footnote-ref-55)
55. In 2017, the General Assembly adopted an indicator framework (A/RES/71/313). See OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation. [↑](#footnote-ref-56)
56. See in this regard: Committee on the Elimination of Racial Discrimination. Decision on follow up to the declaration on the prevention of genocide: indicators of patterns of systematic and massive racial discrimination, CERD/C/67/1, 14 October 2005. [↑](#footnote-ref-57)
57. Some of the indicators included were the lack of a legislative framework and institutions to prevent racial discrimination and provide recourse to victims of discrimination; the systematic exclusion −in law or in fact− of groups from positions of power, employment in State institutions and key professions such as teaching, the judiciary and the police; and significant disparities in socio-economic indicators evidencing a pattern of serious racial discrimination. [↑](#footnote-ref-58)
58. See : ECLAC, People of African descent in Latin America and the Caribbean. Developing indicators to measure and counter inequalities, 2020. The publication has been developed as means to encourage States to redouble their efforts to collect and disaggregate data as part of the promotion of the principle of equality in the context of both, the International Decade for People of African Descent for the period 2015-2024 and the 2030 Agenda for Sustainable Development. [↑](#footnote-ref-59)
59. https://www.ohchr.org/Documents/Issues/Racism/WGEAPD/Guidelines\_inclusion\_2030\_Agenda.pdf [↑](#footnote-ref-60)
60. Particular mention is made to the number of jobs made available to them, par. 101. [↑](#footnote-ref-61)
61. See : OHCHR, [Developing National Action Plans against Racial Discrimination. A Practical Guide](https://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf), 2014. [↑](#footnote-ref-62)
62. As of January 2013 the following States have informed OHCHR about the adoption or development of national action plan against discrimination, including racial discrimination: Argentina, Belgium, Bolivia (Plurinational State of), Brazil, Canada, Colombia, Denmark, Ecuador, France, Germany, Ireland, Italy, Liechtenstein, Mexico, Netherlands, Norway, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of) To be updated. [↑](#footnote-ref-63)
63. Sarah Isal, *Lessons for effective national anti-racism policies. National Action Plans against Racism*, European Network against Racism, 2019. [↑](#footnote-ref-64)
64. E. Tendaji Achume, « [Putting racial equality onto the global human rights agenda](https://sur.conectas.org/en/putting-racial-equality-onto-the-global-human-rights-agenda/)», *Sur International Journal on Human Rights,* 28th Special Issue, December 2018, pp. 1-7; Submission by E. Tendayi Achiume, UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (7 January 2019) [↑](#footnote-ref-65)
65. The United Nations Population Fund (UNFPA) has supported national institutions in strengthening their capacity for population data collection, disaggregation and analysis to promote visibility and equity for people of African descent in national policies This body has provided technical assistance for the preparation of national census processes in order to ensure the inclusion ethnicity variable in census surveys, capturing all groups (A/75/561, par. 69). [↑](#footnote-ref-66)
66. See in this regard, A/70/335, par. 90. [↑](#footnote-ref-67)