

**27th Session of the Working Group of Experts on People of African Descent
(WGEPAD)
30 November-3 December 2020**

Preliminary Conclusions and recommendations

1. The Working Group of Experts on People of African Descent (WGEPAD) held its 27th public session entitled “The Urgency of Now: Systemic Racism and the Lessons of 2020” from 30 November to 3 December, 14.00-16.00 (CET). Due to COVID-19 restrictions the 27th WGEPAD session was held virtually via Interprefy. It was also webcast live on UN Web TV and on Twitter so remote participants could contribute to discussions via social media.
2. The Working Group thanks Member States, representatives of International Organizations and civil society for their active participation. The Working Group thanks the invited guest speakers for their remarks and analysis. This includes Ilze Brands Kehris, Assistant Secretary-General for Human Rights; Dr. Uche Blackstock, CEO and Founder, Advancing Health Equity; Dr. Tlaleng Mogokeng, Special Rapporteur on Health; Mr. Benjamin Crump, Civil Rights Attorney; Ms. Imani Jacqueline Brown, Forensic Architecture; Ms. Ana Barreto, Director of Programs Afrosistance, Ms. Ursula Doyle, Prof. of Law, Northern Kentucky University; Mr. Tabue Nguma, UNESCO Slave Route Project: Resistance, Liberty, Heritage; Prof. Verene Shepherd, Vice-Chair of the CERD; Dr. Pierrette Herzberger-Fofana, MEP, Co-President of ARDI; Mr. John Phillip Binondo, Lecturer and Human Rights Advocate, DLSU Philippines, African Diaspora Insight. The Working Group also thanks all stakeholders that submitted statements and inputs for the session and in response to the WGEPAD call for input: *Mid-term review of the International Decade for people of African descent*.
3. The session discussed the theme, *The Urgency of Now: Systemic Racism and the Lessons of 2020*. It included discussions on key themes and priorities for the protection of the human rights of people of African descent, positive developments, and good practices to address systemic racism based on international human rights law. The session focused on several themes, including “COVID-19 as Catastrophe and Catalyst.” The Working Group presented its September 2020 report, *COVID-19, systemic racism, and global protest (A/HRC/45/44)*, and incorporates by reference herein the conclusions and recommendations set forth therein. In the session, the Working Group also discussed systemic racism and police violence, including a look at the who, what, when, where, why of the law enforcement violence that contributed to global protest in 2020, areas of symbolic or substantive change, or commitments to a status quo that may license racial inequality and inequity. It also discussed “Time to address the root causes of systemic racism: Remedies, Reparations, Accountability and Justice.” Finally, it discussed the current situation at the mid-term review of the International Decade for people of African descent and the 20th anniversary of the DDPA informed also by the WGEPAD 26th virtual session Regional Meetings with civil society held from 23 to 25 November 2020.

Conclusions

4. The Working Group concluded that people of African descent have long been victims of systemic racism and racial discrimination, requiring urgent and collective action to effectively address the root causes of inequality and impunity. People of African descent face common challenges worldwide, including legacies of the transatlantic trade in Africans and colonialism; racism and structural discrimination; as well as socio-economic inequalities, exclusion, marginalization and injustice.
5. People of African descent are also socially positioned to experience multiple and intersectional forms of systemic oppression. Systems anchored in discriminatory practices systematically distribute resources, power and opportunities along racial lines, impacting the ability of people of African descent to fully and freely participate

in society, governance and the economy. This also implicates the susceptibility of people of African descent to COVID-19. The COVID-19 pandemic has had a disproportionately devastating impact on people of African descent, including racial disparities in pandemic fatalities and negative health impacts, as well as the socio-economic costs over time.

6. This period has also seen a particularly intense recognition of police violence against people of African descent globally. In this vein, the fight for George Floyd but also a fight against racism, colourism and xenophobia. George Floyd became a way to declare freedom and liberty. Since the killing of George Floyd, popular protests have been met with state violence. To that end, there has been compilation of video evidence of brutality of other incidents of violence. These include tear gas, pepper spray, arbitrary arrest, detention and intimidation, physical assaults with batons, rifle butts or vehicles, attacks on journalists or legal observers, using kettling tactics to prevent civilians from leaving the site of a protest, causing injury to minors.

7. The use of less than lethal munitions have caused serious injury, trauma and loss of sight. The use of explosives such as flash bang grenades which can cause heart failure and chemical agents which causes respiratory distress, skin irritation and organ damage. There was also the use of expired gas canisters and novel weapons.

8. In this period, violence was also directed those who supported Black Lives Matter while the approach to nationalist and white supremacist groups were conciliatory and non-violent.

9. Deaths in police custody remain a matter of concern globally. Many of the cases occurred because of the wrongful use of restraint and because of their contact with mental health services who have called the police rather than dealing with people who are in stress and need assistance.

10. To this end, environmental racism is another concern globally. In Ecuador, for example, people of African descent continued to face structural racism and they are forced to live in states' neglect, their lands are exploited through gold mining and timber. They do not have access to drinking water, and the mining has polluted 90 percent of the rivers. The palm oil industry and private guards were stripping communities of their land and their rights, contaminating their rivers. It is vital to include people of African descent as part of the global context bearing in mind the climate crisis and different ways that environmental violence is perpetrated against African communities.

11. Women of African descent are not given the same attention and recognition as other people. They are marginalized in important conversations regarding systemic racism, COVID-19, and the concerns of this moment. The COVID-19 pandemic may also present an opportunity to address the multiple dimensions of structural racism that fundamentally cause health disparities. An intersectional approach is required to comprehensively address systemic racism embedded in global health, because race interacts with other social locations like gender, sexual orientation, level of education, economic, disability or another status to determine an individual's access to health.

12. Various forms of structural racism persist globally. Their relationship to health inequities is under-studied. The human right to the highest attainable standard of physical and mental health intersects and implicates other human rights, such as the right to information, the right to freedom and security of the person, right to equality and non-discrimination and right to bodily autonomy.

13. COVID-19 has revealed the urgency of ending the colonialism and racism embedded in the global health architecture which disproportionately impacts Black, indigenous and people of colour communities and those in the Global South. In many parts of the world, challenges related to the realization of the right to health were rooted in slavery, colonialism, apartheid, xenophobia, Afrophobia, transphobia, homophobia and ableism, sexism and racism. Thus, any effort to reduce structural

health inequities must challenge the distribution of power within society and empower individuals and groups to strongly and effectively advocate for their rights.

14. Despite significant advances in healthcare and technology over the last decades, racialized health inequities have been profound and persistent. For example in the USA, this has manifest in African-American men having the shortest life expectancy, African-American babies having the highest infant mortality rate, and African-American women having the highest maternal mortality rate.

15. Studies are showing that the chronic stress of living with daily racism, especially acute this year, is resulting in the premature aging (i.e., the “weathering effect”).

16. In many countries, particularly in the United States, people of African descent have borne the greatest burden of deaths from the novel Coronavirus. As of mid-November, over 1 in 875 Black Americans had died from Coronavirus according to American Public Media Research Lab. In the US, Black Americans continued to experience the highest actual COVID-19 mortality rates nationwide—about two or more times as high as the rate for whites and Asians, who have the lowest actual rates. In Latin America, during Covid-19, many immigrants contracted the virus without access to tests, proper care and public health services. Black migrants were also plagued with racism and xenophobia at every point of their migraton trajectory.

17. Globally, the dramatic rise in people of African descent as COVID-19 patients has several bases: many patients were essential workers, such as bus drivers, subway conductors, grocery store workers; many patients had underlying medical problems, like diabetes, high blood pressure and asthma; many patients had no choice but to use public transportation; and many patients displaying typical COVID-19 symptoms did not have access to testing. In the US, Black Americans have been placed at risk to the consequences of the COVID-19 pandemic because of manifestations of structural racism, including the lack of access to testing, a higher chronic disease burden and racial bias within health care institutions.

18. Distrust in the healthcare system is common among people of African descent globally, as a result of an historical legacy of centuries of neglect, abuse and exploitation, as well as measurable bias, inequality, inequity, and discrimination today.

19. Research that has shown that health care workers demonstrate racial bias, particularly under conditions of stress, that result in relatively positive attitudes toward white patients and conversely negative attitudes toward Black patients.

20. Digital surveillance, monitoring, and facial recognition in technologies used in health innovations may perpetuate racism and therefore embedding it in health technology. Unchecked, these create unjust outcomes in diagnostics, investigations, analytics, and algorithms in health care. One example of this is an algorithm widely used by health care systems in the US significantly underestimated the needs of the most chronically ill Black patients, on the basis of race, further reinforcing racial health inequities in treatment.

21. The problem of racial profiling must be taken seriously and prevented at all levels of law enforcement and other State sectors.

22. Attacks against human rights defenders, especially against people of African descent have increased during the pandemic.

23. Women advocating for reproductive health, sexual education and rights for LGBT persons had been targeted and received death threats. Violence against women, especially against the Black women, is on rise during COVID-19 pandemic. This is even worse because 70 percent of the Black population depends on the public health system.COVID-19 has a disproportionate impact on persons invulnerable situations and deepen pre-existing inequalities. States have a duty to show political leadership, prioritize dignity, and apply human rights approach to all actions.

24. In Brazil, the case of 5 year old Miguel Otavio presents particular concerns. Miguel's mother is a Black domestic worker, deemed essential during the pandemic, even in the lockdown. Miguel's mother returned from walking her employer's dog to find her son on the ground, dying. He had fallen from the 9th floor when an employer, annoyed with his calling for his mother, placed him in the elevator and sent him upstairs. Not merely a story of individual tragedy, Miguel represents a foreseeable outcome of State pandemic policy that fails to consider the risks to people of African descent and is a story of historical racism and inequality.

25. It is essential to chart the history of the struggle of Africans and people of African descent, including the role of UN agencies in that history. For example, in the years 1945-1965, the lack of an advisory opinion of the International Court of Justice on the matter of the US Jim Crow laws stands in stark contrast to the advisory opinion by the ICJ on apartheid in South Africa. Similarly, the declination of the UN to take up the claims raised by people of African descent in the United States demonstrates the challenge the UN system has faced in addressing matters of race as distinct from national identity.

26. Systemic racism is deep seated. Systemic racism poses an obstacle to the eradication of poverty, and the realization of all human rights. Systemic racism exacerbates the inequalities in healthcare, education, decent work and social protection. The way forward is highly complex. This is true even in regions where the Afrodescendant populations are less visible. For example, Violence is escalating in Papua and West Papua between the Indonesian government on the one hand, and the Papuans and West Papuans who identify as people of African Descent on the other hand.

27. Slavery and colonialism have left behind a phenomenal legacy of racism, poverty, underdevelopment, marginalization, social exclusion and economic disparities that haunt communities of African descent across the globe. Structural discrimination and structural invisibility can both drive poverty and be a hurdle in alleviating poverty, as is evident in countries where people of African descent continue to live in material deprivation.

28. The legitimate expectations and demands related to reparations for people of African descent have been largely misunderstood and/or denied by many states and other stakeholders.

29. The Urgent Debate in the Human Rights Council in May, and its resolution 43/1, provided a clear mandate to the Office of the High Commissioner for Human Rights to report on systemic racism and racial injustice, including police violence against people of African descent. The Working Group will continue to support the OHCHR in its implementation of the resolution, in partnership with key stakeholders.

30. The 20th anniversary of the Durban Declaration and Programme of Action (DDPA) and with the Mid-term review of the International Decade for People of African Descent and the 2030 Sustainable Development Agenda, are critical platforms to ensure that racial equality and equity remain at the centre of the global and national agendas.

31. The Working Group welcomes the relaunch of the UN Network on Racial Discrimination and Protection of National Minorities, including engagement at senior levels. The UN system as a whole must fight racism as a collective priority, in the spirit of UN Secretary General Antonio Guterres' Call to Action.

32. The Working Group expresses concerns at the inadequate implementation of the DDPA, as well as the Programme of activities for the International Decade for People of African Descent which would help address the root causes of racial discrimination.

Recommendations

33. The Working Group notes, with appreciation, the many recommendations submitted in statements presented at the session and submitted to the Working Group (available on the webpage). The Working Group makes the following recommendations.
34. Member States must commit to racial equality and justice and commit to putting an end to impunity for racist violence. An honest assessment of the past, including acknowledging and addressing the consequences of the transatlantic trade in enslaved Africans, is necessary
35. Member States must act swiftly to acknowledge, address, and mitigate widespread and racialized health inequities that impact standards of care and risks associated with COVID-19 and other pandemics.
36. Intergovernmental, governmental, and local protocols must ensure that any successful COVID-19 vaccine must be equitably distributed, across countries and across the populations in any given country. Particular care must be taken to ensure that the inequalities of the pandemic will not be reinforced in the roll-out process of the vaccine
37. New technology and intellectual property, in the production of science related to the COVID-19 vaccine, should be widely shared. States have the obligation to ensure that COVID-19 vaccines and treatments are equitably distributed and safe, available, accessible and affordable for all who need them.
38. It is important to collect data on all aspects of the pandemic and also to ensure disaggregation of demographic data by race. These are essential to inform health financing and the development of health policy, and this is true in all aspects of the COVID-19 pandemic. For example, it took many years to update protocols for the treatment of hypertension among people of African descent and this was only possible with disaggregated data.
39. Travel restrictions, border controls, and asylum should be applied in accordance with international human rights law, including being free from racism and racial discrimination, including during the COVID-19 pandemic.
40. Quarantine should not be a privilege. State policy relating to the pandemic must take into account the particular challenges and unique risks faced by many communities of African descent and account for them to ensure equity in social protection during the pandemic.
41. Among many other urgent actions required on the international level, States should commit to finalize their arrangements aimed at successfully establishing the Permanent Forum on People of African Descent.
42. Concrete steps should be taken to strengthen the process leading to the adoption of the UN Declaration on the Promotion and Full Respect for the Human Rights of human right of people of African descent.
43. States should consider ways to acknowledge, counteract and redress the existing racial disparities, inequalities and structural discrimination manifested in many areas of life, in particular in fair access to the labour market and education.
44. Special measures should be taken by States to address the persisting problem of discriminatory police violence, deficiencies of the justice system and mass incarceration of people of African descent.
45. The Working Group recommends that States adopt the guidance set forth in the recent CERD recommendations on racial profiling.
46. The Working Group will stand ready to contribute towards the development of a concrete framework with recommendations on reparations in conjunction with the CERD committee.

47. The global community must appreciate the proper place of Africans and people of African descent in the narrative of the general progress of humanity. We should look at the past, to be healed, and from there, to be freed from the past. We must rid ourselves of the ghosts of the past.
48. States must provide effective remedies, reparations, accountability and justice, bearing in mind that the provision of each of these is a continuing and deepening process.
49. The ways that racial inequity and inequality are embedded in policy and law should be subject to a truth and reconciliation process that links the root causes of ongoing racial discrimination to clear redress and reparations.
50. People of African descent should have the space to tell their own, unique stories and center the needs of their communities. Transnational networks should be strengthened between African and people of African descent through specific tangible and intangible cultural heritage. Such heritage should be prioritized as a crucial way of connecting and disseminating messages, using popular music and dance. Discussions on reparations, remedies and justice should include recommendations for funding local, national and international cultural bearers, arts and arts educational organizations.
51. The Working Group urge member states to support and to begin the negotiation of a UN Declaration on the Promotion and Full Respect for the Human Rights of People of African Descent as a demonstration and determination to fight all forms of discrimination, and to promote and protect the rights of people of African descent.
52. The Working Group reiterate its call to all States to fully and effectively implement the DDPA and to “establish and implement without delay adopt and develop comprehensive national action plans to tackle racism through the reinforcement of national institutions, legislation, the administration of justice, and through the creation of competent national bodies to adequately investigate allegations of racism, racial discrimination, xenophobia or related intolerance.”
53. The pervasiveness of racism, structural discrimination, Afrophobia and related intolerances pose a serious challenge to the attainment of the SDGs. The Working Group would caution and remind Member States that the eradication of structural discrimination is a key driver for attaining the SDGs. Achieving the 2030 goals and targets requires dismantling the structural and systemic barriers to sustainable development that exist for people of African descent in developing and developed countries.
54. The Working Group encourages States to invest financially through the setting up a fund for people of African descent and also investing in areas of education and awareness-raising on DDPA, the POA, and on the legacy of people of African descent.
55. The Working Group urges States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women and follow past recommendations that impact all Migrants from the CERD Committee.
56. States should reinforce their engagement in the aims and priorities of the International Decade for People of African Descent.
57. The Midterm review of the International Decade of People of African Descent is an opportunity for member states to demonstrate their commitments to addressing racial injustice. The Working Group also believes that the implementation the programme of activities for implementation of the International Decade for people of African descent, establishing the Permanent Forum and starting work on the UN

Declaration on the promotion and full respect for the human rights of people of African descent remains critical.

58. The Working Group also urges States to take more decisive actions towards meeting their obligations under the ICERD.
