**51st session of the Human Rights Council**

**Panel discussion on the negative impact of the legacies of colonialism
on the enjoyment of human rights**

*Concept note (as of 13 September 2022)*

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| **Date and venue:** | **Wednesday, 28 September 2022, 4 to 6 p.m. (UTC+2)****Room XX, Palais des Nations, Geneva, and online platform (Zoom)***(will be broadcast live and archived on* [*https://media.un.org/en/webtv*](https://media.un.org/en/webtv)*)* |
| **Objectives:** | The panel discussion aims to:* Identify the challenges, concrete steps and measures to address the negative impact of the legacies of colonialism on human rights;
* Examine the various manifestations of the negative impact of the legacies of colonialism on the enjoyment of human rights;
* Consider what role the Council, Member States, relevant United Nations bodies and agencies, international organizations, United Nations human rights mechanisms, national human rights institutions, non-governmental organizations and other relevant stakeholders can play.
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| **Chair:**  | H.E. Mr. Federico Villegas, President of the Human Rights Council |
| **Opening statements:**  | * **Ms. Nada Al-Nashif**, Acting United Nations High Commissioner for Human Rights
* **Ms. Verene Shepherd**,Chair of the Committee on the Elimination of Racial Discrimination
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| **Moderator:** | **Ms. E. Tendayi Achiume**, Special Rapporteur on contemporary forms of racism, racial discrimination and related intolerance *(remote moderation)* |
| **Panellists:** | * **Mr.** **José Francisco Calí Tzay**,Special Rapporteur on the rights of indigenous peoples
* **Mr. Mihir Kanade**, Chair of the Expert Mechanism on the Right to Development (EMRTD)*(video message only)* and **Mr. Koen De Feyter**, Member of the EMRTD *(closing remarks)*
* **Mr. Fabian Salvioli**, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence *(video message)*
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| **Outcome:** | A summary report on the panel discussion will be prepared by the Office of the United Nations High Commissioner for Human Rights and submitted, including in an accessible format, to the Council at its fifty-fourth session (September 2023). The panel discussion will contribute to renewing and strengthening commitments to effectively address the negative impact of the legacies of colonialism on the enjoyment of human rights, and contribute to the implementation of the Fourth International Decade for the Eradication of Colonialism (2021-2030) designated by the General Assembly.  |
| **Mandate:**  | In its [resolution 48/7](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F48%2F7&Language=E&DeviceType=Desktop&LangRequested=False) on the negative impact of the legacies of colonialism on the enjoyment of human rights, the Human Rights Council decided to convene a panel discussion at its fifty-first session to identify challenges in addressing the negative impact of the legacies of colonialism on human rights, and to discuss ways forward. |
| **Format:**  | The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by a two-part interactive discussion and conclusions from the panellists. A maximum of one hour will be set aside for the podium, which will cover the opening statements, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor, with each segment consisting of interventions from 12 States and observers, 1 national human rights institution and 2 non-governmental organizations. Each speaker will have two minutes to raise issues and to ask panellists questions. Panellists will respond to questions and comments during the remaining time available.The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). |
| **Accessibility:** | In an effort to render the Human Rights Council more accessible to persons with disabilities and to promote their full participation in the work of the Council on an equal basis with others, this panel discussion will be made accessible. International sign interpretation and real-time captioning will be provided and webcast during the debate. Participants can access live English captioning on the StreamText web page (<https://www.streamtext.net/player?event=CFI-UNOG>) during the event itself. Hearing loops are available for collection from the Secretariat desk. Oral statements may be embossed in Braille from any of the six official languages of the United Nations, upon request and following the procedure described in *The accessibility guide to the Human Rights Council for persons with disabilities* (<https://www.ohchr.org/en/hr-bodies/hrc/accessibility>). |
| **Background:** | In its resolution 48/7, the Council stressed the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights. It recognized with concern that the legacies of colonialism, in all their manifestations, such as economic exploitation, inequality within and among States, systemic racism, violations of indigenous peoples’ rights, contemporary form of slavery and damage to cultural heritage, have a negative impact on the effective enjoyment of all human rights. The Council recognized that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. It further expressed deep concern at the violations of human rights of indigenous peoples committed in colonial contexts, and stressed the need for States to take all measures necessary to protect rights and ensure the safety of indigenous peoples, especially indigenous women and children, to restore truth and justice and to hold perpetrators accountable.In the Durban Declaration and Programme of Action, Member States recognized that colonialism has led to racism, racial discrimination, xenophobia and related intolerance and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. The International Convention on the Elimination of All Forms of Racial Discrimination condemns colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist. In her 2021 report on racial justice and equality (A/HRC/47/53 and A/HRC/47/CRP.1), the High Commissioner pointed out the urgency of dismantling systemic racism against Africans and people of African descent and acknowledged that systemic racism is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism. Recognizing the imperative for action, in her “Four-point Agenda towards Transformative Change for Racial Justice and Equality” the High Commissioner highlighted the urgency of confronting past legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism and delivering reparatory justice. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance provided guidance on reparations for racial discrimination rooted in slavery and colonialism in her 2019 report to the General Assembly (A/74/321). In his 2021 report (A/76/180), the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence emphasized that transitional justice offers valuable tools to properly address human rights violations committed during the colonial period; the international community must support national efforts to address the legacy of rights violations committed in colonial contexts, through mechanisms of truth justice, reparation and memory and guarantees of non-recurrence. In her 2019 report on global extractivism and racial equality (A/HRC/41/54), the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted that despite the vision of a new international economic order based on sovereign equality the international economic order that underlies and structures the extractivism economy retains colonial inequalities. According to the Expert Mechanism on the Right to Development the elimination of historical and systemic obstacles that have impeded development in many regions of the world is key (A/HRC/EMRTD/3/CRP.2). In resolution 48/7, the Council recalled the Declaration on the Granting of Independence to Colonial Countries and Peoples and acknowledged that the period 2021-2030 is the Fourth International Decade for the Eradication of Colonialism designated by the General Assembly.  |
| **Background documents:** | * [Human Rights Council resolution 48/7](http://undocs.org/A/HRC/RES/48/7) of 8 October 2021 on the negative impact of the legacies of colonialism on the enjoyment of human rights
* [Durban Declaration and Programme of Action](https://waps.ohchr.org/en/publications/reference-publications/durban-declaration-and-programme-action) (2001)
* [Outcome Document of the Durban Review Conference](https://www.ohchr.org/en/publications/reference-publications/durban-review-conference-outcome-document) (2009)
* [International Convention on the Elimination of all Forms of Racial Discrimination](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial) (1965)
* Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) – [General Assembly resolution 1514 (XV)](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRes%2F1514(XV)&Language=E&DeviceType=Desktop&LangRequested=False)
* Fourth International Decade for the Eradication of Colonialism (2020) - [General Assembly resolution 75/123](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F75%2F123&Language=E&DeviceType=Desktop&LangRequested=False) of 10 December 2020
* Report of the United Nations High Commissioner for Human Rights on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers (annex entitled “Four-point Agenda towards Transformative Change for Racial Justice and Equality”), and its accompanying conference room paper (2021) -[A/HRC/47/53](https://undocs.org/A/HRC/47/53); [A/HRC/47/CRP.1](https://www.ohchr.org/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf)
* Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism (2019) - [A/74/321](https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports)
* Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report on global extractivism and racial equality (2019) - [A/HRC/41/54](https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports)
* Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report on the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination (2022) - [A/HRC/50/60](https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports)
* Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Report on transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts (2021) - [A/76/180](https://undocs.org/Home/Mobile?FinalSymbol=A%2F76%2F180&Language=E&DeviceType=Desktop&LangRequested=False)
* Expert Mechanism on the Rights of Indigenous Peoples, Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation (2019) - [A/HRC/EMRIP/2019/3/Rev.1](https://www.undocs.org/Home/Mobile?FinalSymbol=a%2Fhrc%2Femrip%2F2019%2F3%2Frev.1&Language=E&DeviceType=Desktop&LangRequested=False)
* Expert Mechanism on the Right to Development, Synopsis of the ongoing study of the Expert Mechanism on the Right to Development on racism, racial discrimination and the right to development (2021) - [A/HRC/EMRTD/3/CRP.2](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/EMD/Session3/A_HRC_EMRTD_3_CRP.2.pdf)
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