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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Implementation of the Durban Declaration and Programme of Action

Note by the Secretariat

The Secretary-General has the honour to transmit to the General Assembly the report of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action on its sixth session, submitted pursuant to Assembly resolution [73/262](#).

* [A/74/50](#).



Report of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action on its sixth session

I. Introduction

1. The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action held its sixth session, including private and public sessions, from 6 to 10 May 2019 at the United Nations Office at Geneva. The present report is submitted in accordance with General Assembly resolution [73/262](#).

II. Organization of the sixth session

A. Opening of the session

2. At the 1st meeting of the group of independent eminent experts, the Chief of the Anti-Racial Discrimination Section at the Office of the United Nations High Commissioner for Human Rights (OHCHR) briefed the group of experts about recent developments, noting, inter alia, that OHCHR had been heavily affected by the recent round of budget cuts. He informed them that the Secretary-General had mandated the Special Adviser on Genocide Prevention to develop a system-wide strategy and to present a global plan of action on hate speech, and encouraged the experts to discuss the role of the group in this regard. The experts expressed concern about difficulties faced by the group, especially the lack of additional human and financial resources and the lack of a nomination of an expert by the Group of Western European and other States. The group emphasized the comprehensive nature of the Durban Declaration and Programme of Action and reiterated the importance of its effective implementation.

B. Organization of work

3. The group of independent eminent experts adopted the agenda and programme of work (see annexes II and III).

4. The experts noted that there had not been sufficient awareness of the existence of the group and its work, emphasizing that greater effort should be made to increase its visibility, including through regular liaison with the coordinators of regional groups of States. It was pointed out that the group should develop its own working strategy, based on the Durban Declaration and Programme of Action, which would include objectives, priorities and a time framework. The initial strategy, covering a period of three or four years, would include specific actions and indicators of progress as well as partnerships and joint activities with other international human rights mechanisms, including the Committee on the Elimination of Racial Discrimination and the follow-up mechanisms of the Durban Declaration and Programme of Action as well as regional organizations and mechanisms, including the African Peer Review Mechanism. The group also suggested the development of an assessment tool, which could facilitate the implementation of the Durban Declaration and Programme of Action by various stakeholders.

C. Meetings with the Chairpersons of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards

5. The experts held a private meeting with the Chairperson of the Ad Hoc Committee on the Elaboration of Complementary Standards, Ambassador Taonga Mushayavanhu (Zimbabwe), who briefed the experts on the most recent session of the Ad Hoc Committee. He said that in terms of thematic discussions, the Committee had deliberated on protecting migrants against racist, discriminatory and xenophobic practices; racism in modern information and communication technologies (racial cybercrime); comprehensive anti-discrimination legislation; General Assembly resolution [73/262](#); and Human Rights Council resolution [34/36](#).¹

6. The experts were also briefed by the Secretary of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Mactar Ndoye, on the most recent session of the Working Group, at which a number of substantive topics had been discussed, including: a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent; the impact of extremist political parties and movements on the rise of racism; and a review of progress towards the implementation of the programme of activities for the International Decade for People of African Descent.

III. Thematic discussions²

A. Racist hate speech: politics and challenges, good practices and data collection

7. At the 2nd meeting, Saied Ashshowwaf made a presentation on hate speech in political and ideological discourse, in which he emphasized that the fight against racism is far from over and that the world faced many of the same problems today as it had 20 years ago at the time the Durban Declaration and Programme of Action had been adopted. He pointed out that the global rise of racist hate speech in political discourse, especially against migrants and minorities, must not be tolerated, and that racist violence must be prohibited by law. He also stressed that cultural diversity is an asset that must be valued and embraced for its positive social contribution. In this regard, the rise of hate speech by political leaders was concerning, and commitment and cooperation from States is required to combat the phenomenon.

8. Highlighting the connection between political hate speech and incitement to hatred and violence, which had resulted in genocide and recent mass slaughters of innocent people in their places of worship, he called on political leaders to refrain from hate speech that could incite violence against minorities and migrants and stressed that States are required to adopt comprehensive measures to combat political hate speech and that all policies based on xenophobia must be strongly rejected. He concluded by stating that racism and intolerance presented challenges and threats to peace, development and economic prosperity and that the international community must adopt a new paradigm for combating racism.

¹ More information is available at: <https://www.ohchr.org/EN/Issues/Racism/AdHocCommittee/Pages/AdHocIndex.aspx>.

² The presentations are available at: www.ohchr.org/EN/Issues/Racism/Pages/RegistrationSession6.aspx.

9. In his presentation, Ibrahim Gambari noted that hate speech was based on an “us versus them” mindset, which was a lose-lose proposition. He said that hate speech was politically instrumentalized to appeal to the worst instincts in society, and pointed out that political parties use hate speech as a means of offering easy solutions to complex problems, which explained why hate speech seemed to increase before elections or during times of national uncertainty. He stated that hate speech had become a problem for all countries, no matter their size or level of development, and must therefore be combated at the international, national and local levels: hate speech is not free speech.

10. Facilitated by the Internet owing to its pervasiveness, easy accessibility and anonymity, hate speech had been on the rise. Citing the International Network Against Cyber Hate, he defined hate speech as intentional or unintentional public discriminatory and/or defamatory statements or the intentional incitement to hatred and/or violence and/or segregation based on a person’s or a group’s real or perceived race, ethnicity, language, nationality, skin colour, religious beliefs or lack thereof, gender, gender identity, sex, sexual orientation, political beliefs, social status, property, birth, age, mental health, disability or disease.

11. The speaker pointed out that it was important to identify and target key stakeholders such as public officials, judicial officers, media professionals and education professionals. He emphasized that legislation must be developed to outlaw and criminalize hate speech and that comprehensive development policies must be designed and implemented stressing the effective inclusion of minorities. Awareness must be raised and hate speech combated among Internet users and private Internet companies. He said that the media and social media platforms must be responsible for establishing codes of conduct.

12. Although the criminalization of hate speech is important, the speaker stressed the need to focus on preventative measures. He recalled the genocide in Rwanda, where close to a million lives were lost in one month as a result of unchecked hate speech, and highlighted the experience of South Africa, where leaders have confronted the harm caused by xenophobia.

13. Azin Tadjini of OHCHR, approaching the issue from the perspective of the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pointed out that although there is no legal definition of hate speech under international human rights law, incitement to hatred must be prohibited by law. She noted that restrictions on freedom of expression must be proportional and have a clear legal basis, and that those same legal principles need to be applied to online content, and that, in this regard, social media platforms should be more transparent regarding their standards for regulating speech. Some Governments have criminalized certain forms of speech and, this could, at times, cause great harm because hate speech laws tend to be too broad and vague and to leave too much discretion to local authorities, which could lead to restrictions on dissenting opinions or speech exercised by minority groups. She suggested that issues pertaining to the problem of hate speech should be addressed through education, awareness raising, data collection, research and positive speech to counter hate speech.

14. During the thematic discussion, members of the group of independent eminent experts emphasized that it was important to focus on victims, pointing out that racist hate speech was about the politics of exclusion and domination. They said that the international community could not afford to wait until there was an agreed definition of hate speech, as stopping and preventing all forms of violence must be a priority.

15 At the 3rd meeting, Timothy Quinn, of the company Hatebase, made a presentation on the theme, “Monitoring hate speech: challenges and strategies”. He

noted that in order to monitor hate speech, the first step was to define it. He said that currently there was no widely agreed definition of hate speech; it was difficult to define in that it exists at the intersection of several related types of expression, involving discriminatory language, generalization, dangerous speech and the use of symbolic expression (such as swastikas, repurposed emojis and Internet memes). He pointed out that, in order to be effective, a definition must contain the least number of subjective elements.

16. He stated that Hatebase had defined hate speech in a practical and broad manner, as any expression, regardless of offensiveness, which broadly characterizes a specific group of people based on malignant, qualitative and/or subjective attributes, particularly if those attributes pertain to: ethnicity; nationality; religion; sexuality; disability; and class. He noted that excluding offensiveness as a criterion allowed for a less subjective understanding of what constituted hate speech. He explained that Hatebase analysed the relationship between hate speech and violence and looked for correlations and causation. The speaker also pointed out that combining data from numerous sets (Hatebase data sets as well as economic, crime, policy and census data sets) could help reveal important relationships between Governments, citizens and external actors. He said that most hate speech monitoring technologies involved a mix of manual and automated processes.

17. The speaker noted that it was difficult to teach machines to detect written hate speech owing to small sample sizes, lack of continuity, confusion as to the identity of authors and recipients, unclear intent or sentiment, as well as the use of patois, mixed languages, misspellings, homonyms and obfuscation. He also emphasized the importance of context, as the meanings of words could vary substantially. It was also complicated to elucidate humour and sarcasm, double entendre, innuendo, euphemism and metaphor.

18. Mr. Quinn pointed out that data is a tool, not a solution. He said that large and geographically diverse data sets were prone to various types of artefact related to granularity, volume, geolocation, evolution technology and culture.

19. Nadia Zed of OHCHR, in presenting the work of the independent international fact-finding mission on Myanmar, noted that hate speech, including State-sponsored hate speech, had played a significant role in the violence that had taken place in that country from 2012 to 2017, especially in relation to the violence against the Rohingya people. She provided an overview of the legal framework on hate speech, including definitions.

20. Ms. Zed stated that the fact-finding mission had received a substantial amount of “lead information” from non-governmental organizations, civil society and individuals that was confirmed by its own research and verification. The fact-finding mission had also researched and analysed various sources, including print media, broadcasts, pamphlets, compact disks and digital versatile disks (DVDs), songs, web pages and social media accounts, mainly Facebook and Twitter. The fact-finding mission had regularly monitored Facebook accounts that were considered influential because of the number of their followers, high levels of follower engagement and activity levels. The fact-finding mission had conducted a systematic review and analysis of statements and communications from Government and security officials, including from the armed forces of Myanmar (the Tatmadaw).

21. Ms. Zed also described the challenges faced by the fact-finding mission, such as lack of sufficient technical resources and human resources related to knowledge of language and culture; restricted access to the country; threat of reprisals; inability to identify the exact source of online hate speech owing to the use of virtual identities; inability to determine the reach or consequences of the identified hate speech, particularly in print media; technological difficulties in accessing required data from

certain social media platforms; and inability to access messages spread through private messaging applications such as Viber and WhatsApp.

22. She highlighted that it was essential to understand context and culture in order to establish whether speech was hateful. Language skills and in-depth cultural awareness were important when investigating incidents of hate speech. She concluded by making a number of recommendations for the experts' consideration.

23. Ms. Hanna Suchocka provided an overview of the issue of racist hate speech in the European context. She pointed out that the Council of Europe had a good definition of hate speech, contained in its thematic factsheet on hate speech of July 2018, namely, the advocacy, promotion or incitement to denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat to such persons on the basis of a non-exhaustive list of personal characteristics or status, including race, colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation.

24. She noted that several factors influenced the increase of hate speech in Europe: the migration crisis, extreme right-wing parties, terrorist attacks, social uncertainty and anxiety reinforced by events, for example the decision by the United Kingdom of Great Britain and Northern Ireland to leave the European Union ("Brexit"), and a lack of suitable media and telecommunications regulations, especially for online content. She pointed out that some of the most pressing challenges in Europe were racism, including against Roma and Sinti people, and prejudice based on religion. Afrophobia was also increasingly acknowledged as a major challenge. She noted that new challenges were posed by the development of technology, including hate speech on social media and racial discrimination in algorithmic decision-making.

25. With regard to data on hate speech and harassment, Ms. Suchocka highlighted various key facts from a number of reports of the European Union Agency for Fundamental Rights, including the *Second European Union Minorities and Discrimination Survey: Being Black in the EU, Experiences and perceptions of antisemitism: second survey on discrimination and hate crime against Jews in the EU* and the *Second European Union Minorities and Discrimination Survey*. She pointed out that hate speech was also a major concern for the Council of Europe, which had adopted several policy recommendations, including general policy recommendation No. 15 on combating hate speech. She said that the European Court of Human Rights had developed extensive jurisprudence on hate speech, including with respect to uncovering bias motives in crimes. The European Court of Human Rights had also pronounced on the protection of immigrants and foreigners in States members of the Council of Europe and had reiterated the importance of combating racial discrimination in all its forms and manifestations. The Court had also ruled on several cases related to online hate speech. Ms. Suchocka also referred to a number of measures undertaken by the European Commission, including a code of conduct on countering illegal hate speech online and funding for projects to fight hate crime and hate speech and racist and xenophobic narratives.

26. Ms. Suchocka highlighted some of the main challenges for data collection, including the fact that countries had different criteria for identification and categorization of hate speech crimes, and that many did not have statistical data on hate speech. Underreporting was a major obstacle in assessing the phenomenon, and there was an underestimation and "banalization" of hate speech. She concluded that the group of independent eminent experts must enhance the implementation of existing tools and promote cooperation among institutions.

27. Participants also pointed out that sometimes the army was involved in the dissemination of hate speech, and noted that hate speech increased in times of

economic distress. It was pointed out that States should not only undertake legislative measures but should take a proactive approach by condemning hate speech, documenting hate speech through data collection and educating people on the consequences of hate speech.

B. Thematic discussion with members of the Committee on the Elimination of Racial Discrimination

28. At the 4th meeting, the group of independent eminent experts had a private session with the members of the Committee on the Elimination of Racial Discrimination, during which they discussed possibilities for collaboration. Members of the Committee reiterated the importance and comprehensive nature of the Durban Declaration and Programme of Action and suggested that the group should be more active at the diplomatic level, interacting with high-level politicians and Heads of States in order to convince them to engage in the fight against racism and to encourage them to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, including the submission of periodic reports. Another suggestion was that the group should focus on the implementation of the Sustainable Development Goals and become more active and visible with regard to the links between the Durban Declaration and Programme of Action and the Goals. With respect to the upcoming twentieth anniversary of the Durban Declaration and Programme of Action, a member of the Committee suggested that the thematic focus should be education, as it was a key factor in combating ignorance, harmful stereotypes and hate speech. It was also suggested that the group review inputs submitted with the periodic reports of States and send questions, concerns and information to Committee members. The group was also encouraged to submit comments on the Committee's draft recommendation on racial profiling by 30 June 2019.

29. A member of the Committee said that the group of independent eminent experts should be involved in the implementation of activities for the International Decade for People of African Descent, as well as in the drafting of a United Nations declaration on the promotion and full respect of human rights of people of African descent. In addition, the millennial generation should be included in the fight against racism, racial discrimination, xenophobia and related intolerance, as young people could become new allies. One Committee member suggested that the group should consider ways to make the Durban Declaration and Programme of Action more youth friendly, and another member stressed the importance of including Roma in the discussions on racism, as they were a group that was traditionally excluded. It was pointed out by another member that groups promoting racism and xenophobia had proven effective at mobilizing online, but there was very little resistance as anti-racist groups were not as active online. In addition, it was noted that the group should take into account that election battles were fought online. Communication techniques for awareness raising should be enhanced so that messages are more appealing to the general public. The members of the Committee suggested that the group focus on technology and human rights. The group discussed possibilities for measuring the impact of the Durban Declaration and Programme of Action. The members of the group and the members of the Committee agreed that they would meet regularly, within the framework of their respective annual sessions.

C. Planning of activities and drafting of recommendations

30. At its 5th meeting, the group of independent eminent experts discussed upcoming activities and draft recommendations. The experts reiterated that it was important for the Group of Western European and other States to nominate an expert

to complete the membership of the group. They also discussed the lack of financial and human resources and political will to implement the Durban Declaration and Programme of Action. The group discussed the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action and highlighted the need to ensure resources for the participation of civil society organizations and to encourage support from the entire United Nations system.

D. Meeting with non-governmental organizations

31. At the 5th meeting, the group of independent eminent experts also had a one-hour public discussion with representatives of civil society organizations. A participant pointed out the need to harmonize the implementation of international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Sustainable Development Goals, that were relevant to the fight against racism, racial discrimination, xenophobia and related intolerance. It was noted that the Goals provided a very good framework for such efforts.

32. A representative of civil society suggested that the group of independent eminent experts establish a mechanism for close collaboration with civil society organizations, which could contribute to the identification of thematic priorities, discussions, data collection and research. It was noted that the group should have an advisory role in the Forum for People of African Descent, and not only a participatory role.

33. Another participant suggested that the group of independent eminent experts should focus on topics that had not been covered by other human rights mechanisms. The group was encouraged to focus on the causes of and the monitoring of hate speech. The organization of a new world conference on racism, racial discrimination, xenophobia and related intolerance was proposed.

34. The group of independent eminent experts emphasized that they were looking for partnerships, including with the African Peer Review Mechanism and other regional bodies. They pointed out that non-governmental organizations had several important roles, including: (a) advocacy and promotion of the Durban Declaration and Programme of Action; (b) data collection and research; and (c) prevention. The experts invited representatives of non-governmental organizations to submit suggestions for cooperation, including for indicators on the implementation of Durban Declaration and Programme of Action.

35. A participant suggested that the group of independent eminent experts should enhance collaboration with national human rights institutions and consider how the principles relating to the status of national institutions for the promotion and protection of human rights could facilitate the implementation of the Durban Declaration and Programme of Action.

E. Towards the twentieth anniversary of the Durban Declaration and Programme of Action: continued relevance, challenges and opportunities for generating political will

36. At the 6th meeting, the Chief of External Outreach of OHCHR, Laurent Sauveur, made a presentation on item 12 of the draft programme of work, the multi-year outreach programme. He provided an overview of the outreach activities of OHCHR

on fighting racial discrimination and stated that the overall objective was to build a broader, global constituency for defending human rights and to fight racial discrimination. In order to increase visibility and enhance advocacy, mobilization and education, OHCHR used storytelling, videos, campaigns, social media influencers and the media. He noted that for the 2017–2019 period, OHCHR had organized a number of awareness-raising campaigns, including: 70 years of the Universal Declaration of Human Rights; International Women’s Day and the associated social media campaign “I Stand with Her”; the “Fight Racism” campaign; 16 Days of Activism against Gender-based Violence; the thirtieth anniversary of the Convention on the Rights of the Child; and the promotion of flagship days such as World Press Freedom Day and International Albinism Day.

37. The speaker emphasized that the Durban Declaration and Programme of Action were at the forefront of OHCHR anti-racial discrimination efforts. He said that the 2019 social media campaign “Fight Racism” included iconic anti-racism quotations from famous writers and artists, including Paulo Coelho, Gabriel García Márquez, Audre Lorde and Tahar Ben Jelloun. The campaign also included anti-hate video messages from the United Nations High Commissioner for Human Rights and six social media influencers. He noted that the 2019 campaign was successful, reaching 10 million people thanks to multilingual posts and sharing by social media influencers. He pointed out that awareness campaigns required significant time and resources and could vary from one-day events to year-long efforts. He gave as an example the United Nations Free and Equal campaign for lesbian, gay, bisexual, transsexual and intersex people, which had an annual budget of \$500,000 and a dedicated communications focal point.

38. Mr. Sauveur highlighted that in order to increase the impact and scope of anti-racism campaigns, more resources and dedicated staff were needed. He noted that OHCHR was committed to fighting racism, but that it did not have the resources needed to intensify efforts. He said that in addition to resources and staff, successful campaigns needed strategies, planning, clear objectives and teamwork with substantive colleagues. He stated that because reactions to news events were short-lived, stakeholders needed to find ways of sustaining public attention.

39. During the discussion, one participant pointed out that the Durban Declaration and Programme of Action were among the least-known United Nations documents and that, as a result, disinformation had been spread about and few opportunities were presented to engage with stakeholders on the subject matter. A campaign should be launched for the upcoming twentieth anniversary. It was also noted that civil society members should be more involved in awareness-raising campaigns.

40. Mr. Gambari, speaking on item 10 of the draft programme of work, emphasized that Durban Declaration and Programme of Action were as relevant as ever, given the global resurgence of racism and other phenomena such as Islamophobia, Arabophobia, Afrophobia and Christianophobia. The 2019 terrorist attacks in Christchurch, New Zealand, and Colombo, Sri Lanka had demonstrated clearly that the world was threatened when ideologies of hate erupted unexpectedly into violence.

41. He said that the group of experts should collaborate closely with regional mechanisms, in particular the African Peer Review Mechanism. Since its inception in 2003, the Mechanism had produced 24 country reports. He gave several examples from four reports, on Algeria, Mauritius, Sierra Leone and South Africa.

42. He noted that managing diversity was a delicate exercise that required the active participation of not only the Government but also the population with respect to education, employment and commerce. If properly harnessed, diversity could contribute to a country’s greatness. The main challenges to the implementation of the Durban Declaration and Programme of Action were the rise of populism, lack of

awareness, high levels of poverty and lack of resources. He said that nationalism and populism offered no real solutions to complex challenges. They were often grounded in conspiracy theories that were echoed and amplified through social media, where unchecked lies become reality. He suggested that countries submit progress reports on the implementation of the Durban Declaration and Programme of Action.

43. During the discussion, a participant said that more efforts should be made with respect to the African diaspora. It was also noted that non-African States should take more interest in security and development issues in Africa, as problems in one region led to higher migration to other regions.

44. The Chairperson of the group of independent eminent experts, Edna Roland, the second speaker on item 10 of the draft programme of work, emphasized that although the international community had made advances towards racial equality, rising bigotry and prejudice continued to pose challenges for all countries. She said that the follow-up to the Durban Declaration and Programme of Action presented an opportunity for renewed commitments by the international community to combat racism, racial discrimination, xenophobia and related intolerance.

45. The speaker reminded the audience that the adoption of Durban Declaration and Programme of Action was a milestone in the global fight against racism. She stated that the elaboration of the Declaration and Programme of Action had been a highly complex political process but that the end-results had been worth it. She noted that both the Declaration and Programme of Action had led to important political gains for persons of African descent in Latin America, for whom disaggregated data by race was fundamental. In past years, compared to the rest of the region, Brazil had been an isolated case, as information on that variable had always been collected in decennial censuses, although the information produced had received little dissemination. In 2015, 16 other countries in Latin America collected disaggregated data in their censuses, and, based on projections, it was estimated that 133 million people in the region were people of African descent.³ She said that doubts about the Declaration and Programme were mostly related to the colonial past, and noted that even 18 years after adoption, there was little dissemination of the texts and that false ideas were still being propagated. She pointed out that the issue of racial discrimination had not been properly addressed, even in the framework of the Sustainable Development Goals, and she suggested that the United Nations and the international community take advantage of the deep and comprehensive analysis presented in the Durban Declaration and Programme of Action.

46. She stated that new technologies were increasingly used to spread racism and xenophobia, and that this capability had increased exponentially as more and more people gained access to the Internet. She said that the group of independent eminent experts must spend more time reflecting on the impact of such powerful communications technology. She said that physical violence was now often incited by online racist hate speech and that even young children had access to that kind of material, which was so very harmful for the mental health of the victims.

47. Ms. Roland pointed out that the preparations for the twentieth anniversary of the Durban Declaration and Programme of Action should put an emphasis on comparing global racism currently with racism 20 years ago: what expectations and developments had followed the adoption of the Durban Declaration and Programme of Action, including the obstacles to and advances on implementation. She said that there was a need to create a network of universities and non-governmental organizations that could help collect, analyse and exchange information on incidents

³ German Nicholas Freire and others, *Afro-descendants in Latin America: Toward a Framework of Inclusion* (Washington, D.C., World Bank, 2018), p. 57.

of racist hate speech and racist attacks. The network could also help to develop tools and collect practices to effectively address racial discrimination.

48. A representative of civil society stated that the twentieth anniversary could be a great opportunity to generate further interest and political will. It was suggested that another conference be organized for the twentieth anniversary of the Durban Declaration and Programme of Action and that the original attendees be invited, as well as young people born after their adoption who could talk about how their circumstances differed from those of their parents.

49. During the discussion, participants suggested that more opportunities be identified and created to integrate collective work with civil society organizations and that work should not be done in silos. A civil society representative raised concern about using European universities, which had not yet been decolonized in terms of content and approaches, to conduct research on the issue of racism. The Chairperson of the group of independent eminent experts responded that collaboration with universities should be considered because the group alone did not have enough resources and the situation was urgent.

50. The members of the group of independent eminent experts pointed out that there was a lack of monitoring and evaluation of the implementation of the Durban Declaration and Programme of Action and therefore it was very difficult to identify the full extent of what had been achieved. The group emphasized the importance of partnerships with civil society and encouraged representatives to send up-to-date information to the group, including data, studies and reports.

F. Relationship with the 2030 Agenda for Sustainable Development

51. At the 7th meeting, the group discussed item 11 of the draft programme of work. The first speaker was the Chairperson of the Working Group of Experts on People of African Descent, Ahmed Reid. He said that the 2030 Agenda for Sustainable Development was an important vehicle for advancing the protection of human rights, and highlighted critical areas of the Durban Declaration and Programme of Action that were important for the achievement of sustainable development. Mr. Reid referred to paragraphs 13 and 14 of the Declaration, which focused on slavery and the slave trade, and underlined that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of those acts and continued to suffer their consequences.

52. He also pointed out the importance of paragraph 18 of the Durban Declaration, which highlighted the connection between poverty and racism. He said that slavery had left behind a devastating legacy that was seen on a daily basis. He stated that it was not a coincidence that countries with a history of trading in enslaved Africans also had as their poorest population group people who were disproportionately racial or ethnic minorities. He noted that the framers of the Durban Declaration and Programme of Action were visionaries, as they had seen the connection between historical injustices and poverty and underdevelopment. Development should encompass a historical perspective and a holistic approach. Mr. Reid pointed out that development discourse failed to acknowledge how colonialism had led to the underdevelopment of countries in the Caribbean. There was no acknowledgement that the lack of social and economic growth that confronted these societies, which was so visible in the Human Development Index, was structurally linked to the colonial past. Exploitation of the region's human and natural resources had damaged the Caribbean's development prospects. He stated that that was what set the Durban Declaration and Programme of Action apart from the Sustainable Development Goals:

in the Durban Declaration and Programme of Action, poverty was both a cause and consequence of discrimination.

53. Mr. Reid emphasized that given its cross-cutting nature, the Sustainable Development Goals and targets could not be met without acknowledging that racism, racial discrimination, Afrophobia, xenophobia and related intolerance functioned as structural and systemic barriers to sustainable development. Furthermore, the reluctance in some countries to disaggregate data based on race and ethnicity in order to identify the most marginalized and most impacted groups in society again called into question the attainability of the Goals. He said that the collective vision set out in the 2030 Agenda, which had been adopted by the international community in 2015, could be met only by committing to the removal of structural and systemic impediments to the fulfilment of the Goals, including racial bias against people of African descent, which was a form of racism that had been constructed and was still operating in order to facilitate white supremacy and exploitation.

54. Gaynel Curry of OHCHR said that the Sustainable Development Goals were explicitly grounded in human rights instruments and endorsed the cross-cutting principles of people-centredness, universality, equality, non-discrimination, interdependence and indivisibility, accountability and participation. She noted that many of the Goals mirrored human rights, including rights contained in the Durban Declaration and Programme of Action. She stated that the Goals and the Durban Declaration and Plan of Action shared the common principles of non-discrimination, leaving no one behind, equality, equity and justice. She highlighted the links between the Durban Declaration and Programme of Action and Goals 1 through 6, 8, 10, 16 and 17. She said that although there was no reference to specific groups in the Goals, there were ongoing efforts to include them.

55. Ms. Curry stated that the Sustainable Development Goals had been widely accepted and had gained considerable traction, but there was a need for recommendations on how to best engage in future processes. She said that it was also important to discuss the gaps between human rights and development agendas. She noted that there was also a need to identify how treaty monitoring bodies and special procedures mandate holders could help achieve the Goals. She made several recommendations, including the suggestions that the group of independent eminent experts encourage States to include reporting on the Goals linked to reporting on the Durban Declaration and Programme of Action and that the group recommend to States that national priorities related to the Goals should be consistent with human rights standards, including those set out in the Durban Declaration and Programme of Action.

56. Nicolas Fasel of OHCHR said that the indicators were the main tools used for measuring progress on the Sustainable Development Goals. He stated that about two thirds of the indicators could be considered as human rights indicators. He noted that, in paragraph 92 of the Programme of Action, States were urged “to collect, compile, analyse, disseminate and publish reliable statistical data”. He pointed out that comprehensive indicators helped to measure progress during a period for different population groups and also promoted transparency and accountability. He emphasized that data collection must be done in a way that was consistent with international human rights law.⁴ He also stated that there was an obligation to disseminate data, as the objective was to make a difference.

57. He pointed out that producing, or not producing, disaggregated data was not a neutral exercise and that it carried substantial opportunities and risks for the respect,

⁴ OHCHR, see “A human rights-based approach to data” (2018), available at www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

protection and fulfilment of people's rights. Mr. Fasel reviewed the key principles for a human rights-based approach to data, namely, participation, disaggregation, self-identification, privacy, transparency and accountability. He noted that those principles were also integrated into the Programme of Action, which recommended "the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information" and required that data "be collected with the explicit consent of victims, based on self-identification". It also required data protection regulations and privacy guarantees. With regard to the Durban Declaration and Programme of Action, he highlighted the relevance of Sustainable Development Goal indicators 10.3 and 16.b on discrimination, and noted that those indicators were under OHCHR custodianship. Mr. Fasel made several recommendations to the group of independent eminent experts, including encouraging new partnerships between data producers and users, including national statistical offices and national human rights institutions, and promoting and operationalizing the human rights-based approach to data collection within the framework of the Durban Declaration and Programme of Action.

58. During the discussion, a civil society representative pointed out that Asian States had largely ignored the Durban Declaration and Programme of Action. Another participant stated that the Rastafari population had been excluded from conversations on development and human rights. The Chairperson, Edna Roland, observed that there were links between most of the Sustainable Development Goals and the Durban Declaration and Programme of Action, and that States should consider issues related to racism and discrimination when reporting on Goals 1, 2, 3, 4, 5 and 6, in addition to Goals 8, 10, 16 and 17.

G. Towards a multi-year outreach programme for public information and mobilization in support of the Durban Declaration and Programme of Action

59. At the 7th meeting, the group of independent eminent experts discussed item 12 of the draft programme of work. The first speaker, from the International Youth and Student Movement for the United Nations and the World Against Racism Network, Jan Lönn, emphasized that the most critical issue was to mobilize political will for the implementation of the Durban Declaration and Programme of Action. He pointed out that the content of the Durban Declaration and Programme of Action had not been sufficiently promoted and was not widely available, including in libraries: it was evident that the general public was not aware of the existence of the document and its content. He noted that there was a need for greater efforts to bring the Durban Declaration and Programme of Action to the attention of political decision makers worldwide, and to involve the public. He stressed that the Durban Declaration and Programme of Action held a solid formal standing at the United Nations and, since adoption, had been regularly reaffirmed by the General Assembly. The programme of activities for the International Decade for People of African Descent, adopted by consensus by the Assembly in its resolution [69/16](#), is an integral part of the full and effective implementation of the Declaration and Programme of Action. The Declaration and Programme of Action had not been sufficiently promoted, in comparison to other United Nations documents and programmes.

60. He noted that in some regions, the Durban Declaration and Programme of Action are maligned, which had made States and other stakeholders reluctant to take a deeper look and make appropriate use of their contents. He said that combating that negative effect and helping to increase awareness of the Declaration and Programme of Action could help prevent a greater rise in hate speech and racist incidents. He emphasized that it was probable that the Declaration and Programme of Action were even more

important currently than in 2001. The analysis contained in the Durban Declaration and Programme of Action of the historical roots of racism were profoundly important for understanding how the current situation had come about. He pointed out that, as the negative effects of climate change increased, African countries would be disproportionately affected and that the world would face a new wave of climate refugees. He said that currently a colour line had been established where climate justice was concerned.

61. Mr. Lönn said that there was a need for a systematic outreach programme on the Durban Declaration and Programme of Action, including sufficient resources from the United Nations regular budget, which should engage the United Nations on a system-wide basis and serve as a catalyst for engagement among all relevant actors when it came to understanding the importance of these important documents. With respect to the implementation of the Durban Declaration and Programme of Action, he said that there should be outreach to young people and that partnerships should be created with universities. He suggested that new educational programmes should be a priority.

62. The second speaker on item 12 of the draft programme of work, Ahmed Reid, Chairperson of the Working Group of Experts on People of African Descent, stated that, even 18 years after the adoption of the Durban Declaration and Programme of Action, various stakeholders were still struggling to find a way to engage in their effective implementation. This, he stated, was a shame because both were incredibly rich documents. More efforts were needed to reach young people through social media, and other ways should be found to do more systematic outreach to promote the Declaration and Programme of Action.

63. Noting that the Durban Declaration and Programme of Action also call for a reframing of the discussion on development, he said that there should be further conversations not only with Member States, but also with development institutions. In that regard, he pointed out that the principles of the Declaration and Programme of Action not only applied to developing States, but also to developed nations. He said that, for example, just a few blocks away from World Bank headquarters, there were homeless people of African descent.

H. Drafting and discussion of recommendations

64. At the 8th meeting, the members of the group of independent eminent experts discussed draft recommendations related to racist hate speech, the twentieth anniversary of the Durban Declaration and Programme of Action and the relationship between the Durban Declaration and Programme of Action and the 2030 Agenda for Sustainable Development.

IV. Consultation on the permanent forum for people of African descent

65. On 10 May 2019, the group of independent eminent experts participated in a one-day consultation on the permanent forum for people of African descent. The Chairperson of the group, Edna Roland, briefed the audience on the work of the group. She said that it would be more effective if the forum endeavoured to promote the effective implementation of the Durban Declaration and Programme of Action, as the great majority of the 122 paragraphs of the Declaration and the 219 paragraphs of the Programme of Action were devoted to issues related to people of African descent. She said that the concepts of development and of all rights already defined therein should be maintained, and highlighted the importance of developing an assessment tool that

could help to effectively monitor the comprehensive implementation of the Durban Declaration and Programme of Action.

V. Conclusions and recommendations

66. The group of independent eminent experts will continue to further develop its working strategy, including objectives, priorities and time framework.

67. The group will endeavour to develop an assessment tool to facilitate follow-up on the effective implementation of the Durban Declaration and Programme of Action, in collaboration with other human rights mechanisms.

68. The group requests that the Secretary-General and the United Nations High Commissioner for Human Rights provide the necessary financial and human resources for the effective fulfilment of the mandate of the group, including the organization of consultations with various stakeholders in the respective regions of the experts.

69. The group will, in its work, seek possibilities for new partnerships, including leadership programmes, with regional organizations and mechanisms, universities, think tanks, non-governmental organizations, chambers of commerce, trade unions and other relevant stakeholders. The group points out that such partnerships are of key importance for prevention and early warning measures. In this regard, the group requests the financial and organizational support of OHCHR to facilitate new partnership initiatives.

70. The group expresses its concern about the increasing use of racist hate speech all over the world in political life, in particular for political propaganda, inciting racial hatred and discrimination, and in the media, including the Internet. The group recommends that States intensify efforts to prevent and combat racist hate speech, taking into consideration the needed balance between fighting racist hate speech and safeguarding freedom of expression, with the clear understanding that hate speech is not free speech.

71. The group encourages OHCHR to develop tools for data collection and periodic monitoring of racist hate speech, including on the Internet, taking into consideration existing working definitions. Deriving results and analysis of trends should be promptly shared with the group of independent eminent experts.

72. The group notes that the Durban Declaration and Programme of Action continue to have strong reaffirmation and recognition in the United Nations as a comprehensive framework and solid foundation for combating racism, racial discrimination, xenophobia and related intolerance.

73. The group recommends that the General Assembly take a decision during its seventy-fourth session regarding the holding of a one-day high-level meeting at the General Assembly to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government, as was done for the tenth anniversary. The group recommends that the high-level meeting include round-table thematic discussions, with the participation of representatives of Governments, regional organizations, human rights mechanisms and civil society organizations.

74. The group recommends that the Human Rights Council decide on a road map for specific activities, including panel discussions, leading up to the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action.

75. The group views the twentieth anniversary of the Durban Declaration and Programme of Action as an important opportunity to enhance public understanding about their comprehensive nature and invites all relevant stakeholders, including States, international and regional organizations as well as non-governmental organizations, the media, academia and other interested parties, to organize high-visibility initiatives to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action.

76. The group notes with concern the lack of public knowledge about the real content of the Durban Declaration and Programme of Action, which has constituted a serious obstacle towards generating political will for full and effective implementation.

77. The group renews its commitment to assist in the development of a multi-year outreach programme for information and mobilization about the Durban Declaration and Programme of Action, as called for by the General Assembly and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

78. The group recommends that the Human Rights Council develop and adopt, at its forthcoming sessions, a comprehensive multi-year outreach programme to contribute to the preparations for the twentieth anniversary and beyond, including system-wide United Nations coordination and support for the Durban Declaration and Programme of Action outreach; activation of United Nations information centres; wider dissemination of the Durban Declaration and Programme of Action in official and non-official United Nations languages, engagement with universities and other educational entities and schools for the inclusion of the Durban Declaration and Programme of Action in their curricula; promoting outreach through libraries; researching and publicizing positive examples of implementation of the Durban Declaration and Programme of Action; production of education and publicity material on the Durban Declaration and Programme of Action, including youth-friendly material; engagement with news media; support for civil society networking; engagement with social media; and inclusion of proposals for seminars and strategy meetings at both the international and regional levels.

79. The group welcomes the greater attention given to the rights of people of African descent through the International Decade for People of African Descent and the adoption by consensus of the programme of activities for the implementation of the International Decade for People of African Descent, whose implementation is an integral part of the full and effective implementation of the Durban Declaration and Programme of Action.

80. The group underlines the increased significance of the nexus between combating racism, racial discrimination, xenophobia and related intolerance and securing the full implementation of the Sustainable Development Goals, which has further strengthened the relevance of the Durban Declaration and Programme of Action.

81. The group wishes to draw attention, in particular, to the worsening climate change crisis, including increasing refugee and migration flows from the most affected countries, which will require intensified efforts on the part of societies worldwide to combat racism, racial discrimination, xenophobia and related intolerance and to stand up for the fundamental principles of international solidarity.

82. **With a view to the various interconnecting links between the majority of the Sustainable Development Goals (Goals 1, 3, 4, 5, 6, 7, 8, 10, 11, 16 and 17) and the Durban Declaration and Programme of Action, the group of independent eminent experts encourages Member States to include information on the implementation of the Durban Declaration and Programme of Action in their reports on the Goals, taking into consideration the concept of development as integrated in the Durban Declaration and Programme of Action.**
83. **The group recommends that in the next call for proposals to the Sustainable Development Goals Fund issues related to structural racism be integrated as a conditionality for development, in accordance with the Durban Declaration and Programme of Action.**

Annex I

List of participants at the sixth session of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action

Members of the group of independent eminent experts

Mr. Saied A. Ashshowwaf
Mr. Ibrahim Agboola Gambari
Ms. Edna Maria Santos Roland
Ms. Hanna Suchocka

Member States

Brazil
Chile
Djibouti
Germany
Jamaica
South Sudan
Ukraine
Venezuela (Bolivarian Republic of)

Non-member States represented by observers

State of Palestine

Non-governmental organizations

Africa Solidarity Centre Ireland
African Commission of Health and Human Rights Promoters
Afro-Colombian Global Initiative
Agrocity
Agrupación Xango
Anti-Racist Forum
Association Racines
BADIL Resource Center for Palestinian Residency and Refugee Rights
Caribbean People International Collective (CPIC)
Consultancy for Human Rights and Displacement (CODHES)
Frantz Fanon Foundation
Geneva International Centre for Justice
Global Afrikan Congress
Health and Environment Program
Ichirouganim Council for the Advancement of Rastafari

International Human Rights Association of American Minorities
International Human Rights Organization
International Organization for the Elimination of All Forms of Racial Discrimination
International Youth and Student Movement for the United Nations
Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco
Leadership Conference Education Fund
Middle East African Diaspora Unity Council
Organización Lumbanga
Organization for the Rights of People of African Descent
Quilombação
Red Latinoamericana y del Caribe para la Democracia (REDLAD)
Salifu Dagarti Foundation, IDPAD Coalition UK
Samuel DeWitt Proctor Conference
The Quill
US Human Rights Network/Black Voters Matter Fund
World Against Racism Network

Academia

De La Salle University, Manila
Ingwee
Morehouse College, Atlanta, United States of America
OTNAA

Other

Association of Reading Centres in Gambia, West Africa
Continental Network of Indigenous Women of the Americas
European Network of People of African Descent
Hatebase

Annex II

Agenda for the sixth session

1. Organizational and procedural matters.
2. Thematic discussions:
 - (a) Racist hate speech;
 - (b) Towards the twentieth anniversary of the Durban Declaration and Programme of Action: continued relevance, challenges and opportunities for generating political will;
 - (c) Relationship with the 2030 Agenda for Sustainable Development;
 - (d) Towards a multi-year outreach programme for public information and mobilization in support of the Durban Declaration and Programme of Action;
 - (e) Consultation on the permanent forum on people of African descent.

Annex III**Programme of work for the sixth session, 6 to 10 May 2019**

<i>Date/time</i>	<i>Agenda item</i>	<i>Programme</i>
Monday, 6 May		
10 a.m.–1 p.m.	Item 1	Opening of the session
	Item 2	Adoption of the agenda and programme of work
	Item 3	Organizational and procedural matters, including activities undertaken by the independent eminent experts
	Item 4	Private meetings with the Chairpersons of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standard
3–6 p.m.	Item 5	Racist hate speech: politics and challenges, good practices and data collection
Tuesday, 7 May		
10 a.m.–1 p.m.	Item 5 (<i>continued</i>)	Racist hate speech: politics and challenges, good practices and data collection
3–6 p.m.	Item 6	Thematic discussion with members of the Committee on the Elimination of Racial Discrimination
	Item 7	Discussion on hate speech and drafting of recommendations
Wednesday, 8 May		
10 a.m.–1 p.m.	Item 8	Planning of activities and drafting of recommendations
	Item 9	Meeting with non-governmental organizations
	Item 10	Towards the twentieth anniversary of the Durban Declaration and Programme of Action: continued relevance, challenges and opportunities for generating political will
Thursday, 9 May		
10 a.m.–1 p.m.	Item 11	Relationship with the 2030 Agenda for Sustainable Development
	Item 12	Towards a multi-year outreach programme for public information and mobilization in support of the Durban Declaration and Programme of Action
3–6 p.m.	Item 13	Drafting and discussion of recommendations
Friday, 10 May 2019		
10 a.m.–1 p.m.	Item 14	Consultations on the permanent forum on people of African descent
3–6 p.m.	Item 14 (<i>continued</i>)	Consultations on the permanent forum on people of African descent