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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Racism, racial discrimination and the right to development

Thematic study by the Expert Mechanism on the Right to Development

Summary

Anti-racism, non-discrimination and equality of opportunity for development are central pillars of the right to development. The Declaration on the Right to Development enjoins States to take resolute steps to eliminate violations of human rights of people affected by racism and racial discrimination. In the present study, the Expert Mechanism on the Right to Development examines racism and racial discrimination as barriers to the operationalization of the right to development in the context of State obligations, international cooperation and global partnerships. In the study, the Expert Mechanism seeks to provide guidance to States and other stakeholders on addressing the challenges and obstacles that racism and racial discrimination pose to operationalizing the right to development.



I. Introduction

1. In its resolution 45/6, the Human Rights Council requested the Expert Mechanism on the Right to Development to implement the recommendations contained in its inaugural report¹ and, in doing so, to pay particular attention to the international dimension of the right to development and how this aspect would make the practical implementation of the right to development effective at the national, regional and international levels. Pursuant to the Council's request, the Expert Mechanism is preparing five thematic studies to be submitted during its first three-year term. The present study on racism, racial discrimination and the right to development, the second in that series, is based on desk research, consultations with civil society and study visits. It also draws on contributions from Member States and other stakeholders, including international organizations, national human rights institutions, non-governmental organizations (NGOs) and academic experts.

2. Racism and racial discrimination have been longstanding issues on the United Nations human rights agenda. The Expert Mechanism acknowledges the important contributions of United Nations organs and experts that deal with racism, in particular, the Committee on the Elimination of Racial Discrimination, the Working Group of Experts on People of African Descent, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the rights of indigenous peoples. The Expert Mechanism also recognizes the pivotal role of the World Conferences to Combat Racism and Racial Discrimination (1978 and 1983) and, notably, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa (2001) in promoting the struggle against racist ideologies, policies and practices. The present study complements those ongoing efforts by focusing on racism and racial discrimination in the specific context of the right to development.

3. The present study is necessary and timely for several reasons. The first is the current global movement for racial justice, which has called into question the historical and contemporary structures of racial discrimination. Across the world, marginalized racialized communities are demanding racial equality and anti-racist interventions from States and from regional and international organizations.

4. These demands call for a renewed focus on international efforts to combat racism. As noted by the Human Rights Council Advisory Committee in its recent report on racial equality, the "time has come to embrace more decisive policies and means to bring about racial equality in a sustainable manner at both the national and the international levels".² The second imperative for the study is the disproportionate impact of the coronavirus disease (COVID-19) pandemic on racialized communities, which has intensified poverty and reduced the quality of life in these communities. In many countries, maps of the pandemic reveal its disproportionate impact on racialized communities economically, socially and in terms of general well-being. These issues can be addressed through the framework of the right to development. Finally, 2021 marked the twentieth anniversary of the adoption of the 2001 Durban Declaration and Programme of Action (2001), which highlighted the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, resolving to free every person from the abject and dehumanizing conditions of extreme poverty and to make the right to development a reality for everyone. These aims have been reaffirmed in the 2030 Agenda for Sustainable Development.

II. Anti-racism and the right to development

5. Racism, racial discrimination and racial injustice violate fundamental human rights. The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying

¹ [A/HRC/45/29](#), chap. V.

² [A/HRC/48/72](#), para. 7.

or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The core historical foundations of present-day racism are the “legacies of colonialism and slavery”,³ which “persist as myriad contemporary structures of racial discrimination and oppression”.⁴ This has been affirmed by the Human Rights Council in its resolution 48/7 on the negative impact of the legacies of colonialism on the enjoyment of human rights”, which states that “colonialism has led to racism, racial discrimination, xenophobia and related intolerance.

6. Racism and racial discrimination rationalize the hierarchical domination of one racial or ethnic group over others and maintain social and material advantages for the dominant group while producing adverse outcomes for those marginalized. Racism is linked to State violence, a lack of economic opportunities, poverty, unemployment and health disparities that impinge on the right to development. Within the legal and institutional framework to fight racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination has stated that “racial discrimination or the potential for racial discrimination exists in all societies”.⁵ The Committee enjoins States parties to enact legislation and adopt practices prohibiting racial discrimination or to amend existing laws to fully comply with the Convention. Systemic racism and racial, ethnic and related forms of discrimination constitute a source of marginalization, exclusion, inequality and oppression among people in all regions of the world. Racism is, therefore, a worldwide phenomenon that requires a global response.

7. In a letter to the staff of the United Nations, the Secretary-General has called attention to the persistent plague of racism as a scourge that violates the Charter of the United Nations and debases its core values.⁶ In an address to the Human Rights Council, he stated: “the rot of racism is corroding institutions, social structures and everyday life. We must do far more to address this scourge ... We know the challenge is complex with deep roots in centuries of colonialism and slavery”.⁷ Today, racism is evident in discrimination against Afro-descendants and indigenous peoples, including racist and discriminatory dimensions in the growth of anti-Semitism, anti-Muslim hatred, violence against some minority Christian communities and many other forms of intolerance and xenophobia worldwide. In addition, there is a rise in anti-Asian racism and xenophobia fuelled by the COVID-19 pandemic and the stigmatization of Asian communities in some countries.⁸ Indeed, the pandemic has further exposed the strong social and economic dimensions of racism and discrimination.

8. In her 2021 report, the United Nations High Commissioner presented a four-point Agenda Towards Transformative Change for Racial Justice and Equality to uproot systemic racism.⁹ In that report, the High Commissioner noted that the worldwide mobilization of people calling for racial justice has forced a long-delayed reckoning with racism and shifted debates towards a focus on the systemic nature of racism and the institutions that perpetuate it.¹⁰ The High Commissioner also called on States to stop denying and start dismantling racism, to end impunity, build trust, confront past legacies and deliver redress.¹¹ Similarly, the Human Rights Council Advisory Committee noted that the problem of racism has “lately

³ [A/74/321](#).

⁴ See <https://www.ohchr.org/en/press-releases/2019/10/un-human-rights-expert-calls-states-make-reparations-colonialism-and-slavery>.

⁵ [CERD/C/ARE/CO/17](#), para. 12.

⁶ Secretary-General’s letter to staff on the plague of racism and the Secretary-General’s remarks at Town Hall, 9 June 2020.

⁷ United Nations, “Overcoming racism demands action ‘Every Day, at Every Level’, Secretary-General stresses, in message to the Human Rights Council Panel”. Available at [un.org/press/en/2021/sghsm20592.doc.htm](https://www.un.org/press/en/2021/sghsm20592.doc.htm).

⁸ Human Rights Watch, “Covid-19 fuelling anti-Asian racism and xenophobia worldwide: National action plans needed to counter intolerance”.

⁹ [A/HRC/47/53](#), annex.

¹⁰ *Ibid.*, para. 2.

¹¹ *Ibid.*, annex, p.22.

acquired new dimensions that risk engulfing societies in renewed waves of hatred and turmoil, endangering social peace and security”.¹²

9. In the present study, which adopts the above-mentioned definition of racial discrimination presented in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, the notion of racial discrimination is therefore inclusive of discrimination based on ethnic and national origin.

10. Although the study focuses on racism in the context of the right to development, it is recognized that racism often intersects with other forms of discrimination, such as discrimination based on ethnicity, gender (sexism), country of origin/nationality (xenophobia), religion and cultural heritage. This has been described as “intersecting discrimination ... a situation where several grounds for discrimination operate and interact with one another at the same time in such a way that they are inseparable”.¹³

11. In recent reports, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity emphasized the importance of acknowledging the compounded discrimination faced by racialized and minoritized LGBTQ+ and gender-diverse individuals.¹⁴ To build more inclusive societies, these intersections of discrimination and social exclusion must be understood and addressed. The Independent Expert has also stressed that “an inclusive society enables people to enjoy protection from violence and discrimination, and leaders in the social, cultural, political and other fields can have an important role in communicating, motivating and fostering that inclusiveness”.¹⁵

12. The right to development and the issue of racism have been identified as two of the most overlooked areas of human rights advocacy within the international human rights system. Studies have shown that inequalities based on race have not received the same attention as other forms of inequality set out in the Sustainable Development Goals, targets and indicators developed to monitor progress on the implementation of the 2030 Agenda.¹⁶ Similarly, since the adoption of the Declaration on the Right to Development by the General Assembly in 1986, its operationalization has been hampered by State indecisiveness, regional geopolitical polarization and a lack of international agreement on its implementation. The discussion of racism in the context of the right to development may reflect an “intersection of marginality”. The need to bring more attention to the intersections between racism and the right to development is a key objective of the present study. To combat prejudice in all its forms, attention must be paid to the intersectionality between racism and other forms of prejudice and discrimination. The study will advance recognition of how “race is gendered and gender is raced”.¹⁷

III. Equality of opportunity for development

13. The Declaration on the Right to Development and the right to development agenda emerged in the context of a more global United Nations as formerly colonized nations became independent and gained representation at the United Nations and other international organizations. These new voices, mainly from the global South and formerly colonized countries, played a transformative role in expanding economic, social and cultural rights provisions in international human rights law. They called for the transformation of the global economic order, which they believed was not conducive to their development. Demands for economic and social justice characterized debates over “second-generation” rights.

¹² [A/HRC/48/72](#), para. 6.

¹³ [A/72/131](#), para. 8.

¹⁴ [A/74/181](#), paras. 1 and 4.

¹⁵ [A/HRC/35/36](#), para. 60.

¹⁶ Inga T. Winkler and Margaret L. Satterthwaite, “Leaving no one behind? Persistent inequalities in the SDGs”, in *The International Journal of Human Rights*, vol. 21, No. 8 (July 2017), pp. 1073–1097.

¹⁷ Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, “Call for input to a thematic report: Gender, sexual orientation and gender identity”, 14 March 2021.

14. Anti-racism and self-determination were central to these demands. Provisions to address racial discrimination and the obstacles it poses to social and economic development worldwide figured prominently in several development-related instruments that preceded the Declaration on the Right to Development, including the Declaration on the Establishment of a New International Economic Order (1974) and the Charter of Economic Rights and Duties of States (1974). In adopting the Declaration on the Establishment of a New International Economic Order, Member States recognized racial discrimination as one of the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved. Similarly, article 16 of the Charter of Economic Rights and Duties of States proclaimed the right and duty of all States, individually and collectively, to eliminate racial discrimination in all forms as a prerequisite for development.

15. Equality, including the right to freedom from discrimination, is at the core of the human rights framework and is present in all human rights instruments. The Declaration on the Right to Development provides a road map for promoting justice and dignity for all and for combating racism in all its manifestations through the principle of equality of opportunity for development. The Declaration affirms that “equality of opportunity for development is a prerogative both of nations and of individuals who make up nations”.¹⁸ Central to this goal is the elimination of historical and systemic obstacles that have impeded development in some regions of the world.

16. As outlined in the preamble to the Declaration on the Right to Development, the obstacles to be eliminated include “the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war”. The Declaration reinforces this point by enjoining States to take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples affected by racism and racial discrimination (article 5). The elimination of racism through the principle of equality of opportunity for development is therefore recognized as essential to fulfilling the right to development. The elimination of racism, as espoused in the Declaration, is linked to the Sustainable Development Goals. As noted by both the Human Rights Council and the General Assembly, the right to development is essential to the full realization of the 2030 Agenda and should be central to its implementation.¹⁹ In its first thematic report on operationalizing the right to development in achieving the Sustainable Development Goals, the Expert Mechanism noted that “Development as a right is guaranteed, empowering, non-discriminatory and sustainable”.²⁰

17. Other international and regional organizations have also recognized racism as an obstacle to development. In 1964, the Organization of African Unity (the precursor organization to the African Union) passed a resolution calling for the “total elimination of all forms of discrimination based on race, colour or ethnic origin”.²¹ In the Havana Declaration of 2016, States members of the Association of Caribbean States reaffirmed their “deep aversion to racism and all forms of discrimination, xenophobia and intolerance of any other guise, in our Caribbean and globally”.²² The Association of Southeast Asian Nations has called for economic cooperation and international partnerships aimed at promoting tolerance of racial, religious and cultural diversity in the region.²³

18. The European Commission Action Plan against Racism (2020) acknowledges that high levels of inequality arising from racism represent an obstacle to the achievement of the

¹⁸ General Assembly resolution 41/128, annex, preamble.

¹⁹ Council resolution 45/6 and Assembly resolution 75/182.

²⁰ A/HRC/48/63, para. 24.

²¹ Organization of African Unity, *Resolutions adopted at the first ordinary session of Heads of State and Government, Cairo, 1964* (AHG/Res. 1 (1) - AHG/Res. 24 (1)).

²² Seventh Summit of the Association of Caribbean States, Havana, 4 June 2016 (A/70/996, annex I, para. 6).

²³ Plan of Action to Implement the Joint Declaration on ASEAN-Australia Comprehensive Partnership (2008–2013), 13 June 2012, para. 31.

2030 Agenda and the Sustainable Development Goals.²⁴ The principle of equal development is reflected in the commitment to “leave no one behind”, set out in Goal 10, which commits States to reduce inequality within and between countries, and in Goal 16, which aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Advancing equality of opportunity for development for all as envisioned in the Declaration of the Right to Development and the Sustainable Development Goals requires political commitment, transparency and accountability, impartial justice, equal access to services and meaningful participation for all, including those who are marginalized.

IV. Disparities in human development due to systemic racism

19. Racism and racial discrimination are barriers to the operationalization of the right to development in the context of State obligations and international cooperation as outlined in the Declaration.²⁵ At the national level, racism fractures the social cohesion of societies and has a negative effect on the well-being of vulnerable groups. Racial prejudices and systemic racial discrimination affect the well-being of racialized groups by denying them equitable access to social services (including health, education and social protection), economic opportunities, justice, safety and security. These effects of racism exacerbate poverty and inequalities. At the international level, racism and racial discrimination can result in the loss of transnational economic opportunities for individuals and of foreign direct investment and relief from debt for developing countries.²⁶ Discrimination based on national origin, ethnicity or religion limits the freedom of individuals to emigrate or to access better educational or economic opportunities outside their country of origin.

20. Racial inequalities and disparities are evident in many developmental areas, including access to quality education, employment, justice, health, housing, social security, political participation, basic needs, such as food and safe drinking water, and equal protection against the ravages of climate disasters. Minoritized racial and ethnic groups are generally further behind advantaged racial and ethnic groups in terms of levels of wealth, economic opportunity and access to clean water and food. An intersectional lens is necessary for exposing compound discrimination.²⁷ The discussion below outlines these racial disparities and their implications for the right to development.

A. Health and the coronavirus disease (COVID-19) pandemic

21. Individual and communal health and well-being are integral to the right to development. Research has shown that racism has a negative effect on the health of those who experience such discrimination. Racial disparities are prevalent in the provision of health-care services in many States, and racism influences health throughout the life span. Several United Nations organs have recognized and urged action in response to the evidence that marginalized ethnic and racial groups suffer severe disadvantages in access to health care in many countries. The United Nations Development Programme (UNDP) reports that many

²⁴ European Union Anti-racism Action Plan 2020–2025. Available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en; the social and economic realities of racism and racial discrimination in the European Union are also evident in the Special Eurobarometer 138: Racism and xenophobia in Europe. Available at https://data.europa.eu/data/datasets/s193_53_0_ebs138?locale=en.

²⁵ General Assembly resolution 41/128, annex, arts. 1 (1), 2 (3), 3 (1) and (3), 4 (1), 6 (1) and (3) and 10.

²⁶ Submission from Qatar.

²⁷ Society for the Psychological Study of Social Issues, “Beyond the human rights rhetoric on ‘leaving no one behind’: Integrating the elimination of systemic racism, and racial and ethnic discrimination, into the implementation of the SDGs”, statement in commemoration of the seventy-fifth anniversary of the United Nations, United Nations Headquarters, New York, 21 September 2020.

health inequalities have social antecedents in various forms, including gender, ethnicity and race.²⁸ These health disparities undermine the equality of opportunity for development.

22. The COVID-19 pandemic has laid bare and exacerbated deeply rooted inequalities in societies, as evidences in its multilayered and disproportionate impact on marginalized groups, and on racialized communities in particular.²⁹ The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has drawn attention to the connection between environmental racism and the right to health in the context of the COVID-19 pandemic. The impact of racial discrimination in the spatial planning of towns and cities has resulted in racialized communities living in areas that have high levels of air, land and water pollution, mainly due to industrial activities. High-density spaces lead to poor ventilation and, as a result, to higher rates of chronic illness. These factors, worsened by the COVID-19 pandemic and its resulting social, environmental, and economic impacts, have heightened the severity of disease and mortality rates for those living in such harmful conditions.³⁰

23. In many countries, there is a strong correlation between life expectancy at birth and population distribution by racial and ethnic groups. For example, recent studies have shown that individuals of African descent in Brazil and the United States of America have a substantially lower life expectancy than the white population.³¹ In Australia, Canada and New Zealand, aboriginal peoples have significantly lower life expectancy than other ethnic groups.³² In India, on average, the life expectancy of Dalit women is 14 years less than that of upper caste women.³³ Roma populations across Europe have an average life expectancy between 5–20 years shorter and face infant mortality rates 2–3 times higher than the general population.³⁴ These figures demonstrate how structural racial discrimination exacerbates inequalities in access to health care and treatment, leading to disparities in health outcomes and increased mortality and morbidity rates among racialized communities.³⁵

24. Racial disparities have become especially apparent as a result of the COVID-19 pandemic. Communities of Afro-descendant, Latinx,³⁶ Roma³⁷ and indigenous peoples³⁸ suffer from intergenerational inequalities in access to health care and other social determinants of health. Furthermore, they demonstrate higher infection, hospitalization and death rates due to COVID-19.³⁹ The Special Rapporteur on contemporary forms of racism,

²⁸ United Nations Development Programme (UNDP), Human Development Report 2019, p. 58.

²⁹ Elina Castillo Jiménez, “Racial justice to the forefront: Do Black Lives Matter in international law?”, in Morten Kjaerum, Martha Davis and Amanda Lyons, *COVID-19 and Human Rights* (New York, Routledge, 2021), p. 83.

³⁰ A/HRC/47/28, para. 93.

³¹ Alexandre Dias Porto Chiavegatto Filho, Hiram Beltrán-Sánchez and Ichiro Kawachi, “Racial disparities in life expectancy in Brazil: Challenges from a multiracial society”, in *American Journal of Public Health*, vol. 104, No. 11 (2014), p. 2156; M. Jermaine Bond and Allen A. Herman, “Lagging life expectancy for Black men: A public health imperative”, in *American Journal of Public Health*, vol. 106, No. 7 (2016), pp. 1167–1169.

³² Bronwen Phillips and others, “Mortality trends in Australian Aboriginal peoples and New Zealand Māori,” in *Population Health Metrics*, vol. 15, No. 25, 2017; Canadian Broadcasting Corporation, “Lifespan of Indigenous people 15 years shorter than that of other Canadians, federal documents say”, 23 January 2018. Available at <https://www.cbc.ca/news/health/indigenous-people-live-15-years-less-philpott-briefing-1.4500307>.

³³ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Turning Promises into Action: Gender equality in the 2030 Agenda for Sustainable Development*, 2018, p. 31.

³⁴ European Public Health Alliance, “Closing the life expectancy gap of Roma in Europe”. Available at <https://epha.org/wp-content/uploads/2018/10/closing-the-life-expectancy-gap-of-roma-in-europe.pdf>.

³⁵ A/HRC/45/44, para. 16.

³⁶ Judith Morrison, “Exposure and inequalities: African descendants during COVID-19”, UNDP-Latin America and the Caribbean. Available at latinamerica.undp.org/content/rblac/en/home/blog/2020/ser-afrodescendiente-durante-el-covid-19--exposicion-y-desiguald.html.

³⁷ Open Society Foundation, “Roma in the COVID-19 crisis: An early warning from six EU member states”. Available at opensocietyfoundations.org/publications/roma-in-the-covid-19-crisis.

³⁸ United Nations, Department of Economic and Social Affairs, “COVID-19 and indigenous peoples”. Available at un.org/development/desa/indigenouspeoples/covid-19.html.

³⁹ Society for the Psychological Study of Social Issues, “Beyond the human rights rhetoric on ‘leaving no one behind’”.

racial discrimination, xenophobia and related intolerance has reported on the failure of health-care professionals to accommodate racial, linguistic, cultural and religious diversity, which intensifies health-care disparities. Failing to consider social determinants of health creates structural barriers to access to health care for racial and ethnic minority communities. In some cases, personal bias on the part of health-care professionals has detrimentally hindered the treatment of minoritized individuals with the COVID-19 virus.⁴⁰

25. Several United Nations reports have established links between systemic racism and the COVID-19 pandemic. In his report on the programme of activities for the implementation of the International Decade for People of African Descent, the Secretary-General recognized that the COVID-19 pandemic has exacerbated existing inequalities, is likely to reinforce social exclusion further and has highlighted the deep socioeconomic disparities and marginalization of racial and ethnic minorities.⁴¹ Furthermore, the Working Group of Experts on People of African Descent notes that in the United Kingdom of Great Britain and Northern Ireland women and men of African descent were, respectively, 4.3 and 4.2 times more likely to die of COVID-19 than their white counterparts – the largest disparity of any ethnic group.⁴²

26. Data from the United States reveals that the COVID-19 death rate among African-Americans is more than double that of other racial groups in the country. The situation is similar in England and Wales, where the death rate for Black, Bangladeshi and Pakistani people is nearly double that of the white population, even when class and other health factors are considered.⁴³ In these and numerous other instances, the pandemic has brought racial disparity and discrimination to the surface in institutions designed to confer justice, equity and redress.⁴⁴

27. Studies have also documented the xenophobic and racist dimensions of the treatment of migrant workers and domestic workers in Middle East and the Persian Gulf in the context of the COVID-19 pandemic.⁴⁵ Migrant workers in the Persian Gulf and neighbouring countries face systemic racism and racial discrimination, which denies them adequate health care and decent working conditions and has exacerbated the impact of the COVID-19 pandemic on them. Migrant workers have been subjected to fierce campaigns led by official media outlets calling for them to be deported from the countries in which they have been working “while also facing racist speeches and hatred”.⁴⁶

B. Housing

28. Housing, which is a key component of the right to development, is not only a fundamental human right, it is also a precondition for the enjoyment of many other rights and of human dignity and overall well-being. Having a home is the first line of defence against extreme events and crises such as the COVID-19 pandemic.⁴⁷ Homes are essential for

⁴⁰ [A/HRC/45/44](#), para. 26.

⁴¹ [A/75/363](#).

⁴² [A/HRC/45/44](#), para. 37.

⁴³ United Nations, “Address ‘appalling impact’ of COVID-19 on minorities, UN rights chief urges”. Available at news.un.org/en/story/2020/06/1065272.

⁴⁴ [A/HRC/45/44](#).

⁴⁵ Ray Jureidini, “Migrant workers and xenophobia in the Middle East”, United Nations Research Institute for Social Development, 2003, p. iv, in Yusuf Bangura and Rodolfo Stavenhagen, eds., *Racism and Public Policy* (London, Palgrave Macmillan); Jonathan Crush and Sujata Ramachandran, “Xenophobia, international migration and development”, in *Journal of Human Development and Capabilities*, vol. 11, Issue No. 2 (2010), pp. 209–228.

⁴⁶ Khalid Ibrahim, “Migrant workers face racism, hate and lack of health care across the Gulf and neighbouring countries,” Gulf Centre for Human Rights. Available at <https://www.gc4hr.org/news/view/2414>.

⁴⁷ Balakrishnan Rajagopal, “The pandemic shows why we need to treat housing as a right”, *The Washington Post*, 7 May 2020. Available at [washingtonpost.com/opinions/2020/05/07/pandemic-shows-why-we-need-to-treat-housing-right/](https://www.washingtonpost.com/opinions/2020/05/07/pandemic-shows-why-we-need-to-treat-housing-right/); Maimunah Mohd Sharif and Balakrishnan Rajagopal, “Opinion: Housing must be at the heart of the COVID-19 response and recovery”, *Devex*, 30 October 2020. Available at [devex.com/news/opinion-housing-must-be-at-the-heart-of-the-covid-19-response-and-recovery-98448](https://www.devex.com/news/opinion-housing-must-be-at-the-heart-of-the-covid-19-response-and-recovery-98448).

accessing job opportunities, hospitals, schools, food, sanitation, transportation, water, energy and other public services. Regions susceptible to climate change hazards and natural disasters are occupied at a far higher rate by people of racialized communities and other minority groups. Combined with unequal access to emergency services, relief care and funds, inadequate housing and sanitation infrastructure heightens the probability of mortality, exacerbates poverty and restricts the enjoyment of numerous fundamental human rights.

29. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context has demonstrated that housing conditions for many peoples around the world are overwhelmingly abhorrent and too often violate the right to adequate housing, depriving them of their right to live in security and dignity.⁴⁸ Many marginalized people are from racial and ethnic minorities which disproportionately face barriers to housing access and security. The absence of specific policies or the existence of weak policies to protect vulnerable and marginalized communities from discriminatory practices in the housing market is apparent in many countries. In addition, numerous countries do not conduct fair housing audits to ensure equal access and non-discrimination. Housing policies and practices in several countries have resulted in the segregation of racialized communities into urban housing enclaves, with poor living conditions and limited access to social services and economic opportunities. Unfortunately, there are limited national and international mechanisms for holding those engaged in discriminatory housing practices accountable.

C. Employment

30. Gainful employment is integral to human and societal development. This is recognized in Sustainable Development Goal 8, which promotes sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Although among the largest contributors to social and economic development in many countries, racial and ethnic minorities are often not recognized as such, nor do they enjoy a fair share of the resulting benefits.⁴⁹ Visible minorities and racialized communities experience higher employment discrimination, exploitation and insecurity and are more likely to be unemployed or receive lower wages. Migrants are regularly forced into informal, low-paying and unsafe work conditions.⁵⁰

31. Racism and racial discrimination can exclude people from sustained and gainful employment, and can expose them to unfair treatment and harassment in the workplace. Although many States have enacted laws prohibiting discrimination in employment, instances of race-based discrimination remain pervasive and are well documented. For example, the United Nations report on the International Decade for People of African Descent states that people of African descent face disproportionately high unemployment rates and are overrepresented in lower-paying jobs.⁵¹ In Brazil, “Whites earn an average monthly income 84.50 per cent higher than Blacks and 81.96 per cent higher than mixed races”.⁵² Furthermore, institutional policies and practices systematically exclude racial minorities from job opportunities and subsequent employment decisions based on racial stereotypes reinforce prevailing patterns of discrimination.⁵³ As a result, people of African descent with

⁴⁸ [A/74/183](#).

⁴⁹ [A/74/308](#), para. 2.

⁵⁰ *Ibid.*, para. 24.

⁵¹ *Ibid.*, para. 23.

⁵² Alexandre Dias Porto Chiavegatto Filho, Hiram Beltrán-Sánchez and Ichiro Kawachi, “Racial disparities in life expectancy in Brazil: challenges from a multiracial society”, *American Journal of Public Health*, vol. 104, No. 11 (2014), p. 2156.

⁵³ Julio Faundez, “Racism and employment”, in *Dimensions of Racism: Proceedings of a workshop to commemorate the end of the United Nations Third Decade to Combat Racism and Racial Discrimination*, Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Educational, Scientific and Cultural Organization (UNESCO) (New York and Geneva, 2005), p. 53.

tertiary education are almost twice as likely to be employed in low-skilled jobs as their white counterparts.⁵⁴

32. As with housing and health care, legal remedies against discrimination do not always ensure equal employment opportunity in practice. In some States, non-discrimination and equal opportunity laws in the employment sector are either non-existent or inadequately enforced. In other countries, well-meaning affirmative action measures aimed at addressing longstanding racial disparities in employment face stiff political opposition from dominant groups, hindering social and economic inclusion. Race-based employment discrimination undermines the principle of the equality of opportunity for development and remains a significant obstacle to fulfilling the right to development globally.

D. Education

33. In many countries, race and ethnicity continue to significantly affect access to education and educational outcomes. Contemporary disparities in education are traceable to the legacies of historical racism embedded in the atrocities of slavery and the inequities of colonialization. These disparities have implications for the right to development. Education is crucial to realizing the right to development. It facilitates the enjoyment of other rights, such as access to better employment, health care and political participation, and often contributes to breaking poverty cycles.⁵⁵ As emphasized by a former Special Rapporteur on the right to education, it is imperative to include those historically excluded from access to education owing to racist motives.⁵⁶ Promoting tolerance and respect for diversity within education, both institutionally and within family systems, is vital in changing longstanding discriminatory values, attitudes and behaviours.⁵⁷

34. Systemic inequities in allocating educational resources and discriminatory practices within education systems disadvantage racialized communities. For instance, it is well documented that in some countries children from racial minority groups are disproportionately placed in low-achieving classes and receive higher rates of disciplinary action in schools than their peers.⁵⁸ These types of discrimination are exacerbated by the underrepresentation of teachers and administrators from racial and ethnic minority communities, as well as the insufficient inclusion of the history and cultures of minority peoples and groups in school curricula.

35. Educational disparities result in inordinately negative outcomes for racial minority students and their communities. In accordance with the Durban Declaration, the Secretary-General has recommended that States put programmes in place to eliminate inequalities in access to education for racialized minorities, to update curricula to be inclusive and respectful of minority cultures and histories and to hire, retain and promote educators belonging to underrepresented groups.⁵⁹

36. The COVID-19 pandemic has heightened race-based disparities in the education sector. The pandemic has also revealed the presence of systemic racism in education. The Working Group of Experts on People of African Descent has noted that globally, for students of African descent, “learning loss” from the interruption of the academic year, or a lack of resources, may be construed as a lack of student aptitude, thereby reinforcing the racial bias of educators.⁶⁰ This has the potential of sustaining and perpetuating structural racial biases in the education sector.

⁵⁴ [A/74/308](#), para. 23.

⁵⁵ *Ibid.*, para. 16.

⁵⁶ Katarina Tomaševski, “Racism and education”, in *Dimensions of Racism*, p. 68.

⁵⁷ See Durban Declaration ([A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I), para. 95.

⁵⁸ [A/74/308](#), para. 20.

⁵⁹ *Ibid.*, para. 3; and Durban Declaration, para. 97.

⁶⁰ [A/HRC/45/44](#), para. 75.

E. Policing and administration of justice

37. Racial and ethnic minorities do not enjoy access to equitable justice in many countries. Minorities are overrepresented in criminal justice enforcement and underrepresented within the institutions that adjudicate crime and punishment.⁶¹ Furthermore, members of racial, ethnic and other minorities or vulnerable groups often face harassment, arbitrary detention and abusive treatment within law enforcement systems. These trends are reflected in policing practices, criminal prosecutions, trials, sentencing and imprisonment and have had lasting consequences on racialized communities. The killing of George Floyd by police in the United States brought global attention to the ongoing police violence against people of African descent. People of African descent face discrimination, violence and violations of their rights in all areas of the administration of the justice system. This includes the surveillance and over-policing of communities and areas where people of African descent live, resulting in “extremely high rates of police brutality, racial profiling, harsher sentencing, mass incarceration and poor prison conditions”.⁶²

38. Pervasive racial profiling of visible ethnic minorities by law enforcement forces is apparent in many States. Members of racial minority groups are subject to a disproportionately high number of identity checks that disrupt their everyday lives and discourage a sense of social belonging or security. They are regularly stopped, interrogated and searched by the police on the sole grounds of race or colour.⁶³ One report indicates that in the United States, Black people are nearly three times more likely to be killed by a police officer than white people, even though they are 1.3 times more likely to be unarmed. In 2020, Black people were 28 per cent of those killed by police despite being only 13 per cent of the population. Only .01 per cent of all police killings in 2020 led to charges being filed against the officer, and even fewer led to convictions.⁶⁴

39. The High Commissioner has noted that while there is a lack of comprehensive official disaggregated data in individual countries regarding police killings of people of African descent, “available data paints an alarming picture of system-wide, disproportionate and discriminatory impacts on people of African descent in their encounters with law enforcement and the criminal justice system in some States”.⁶⁵ Law enforcement officers are rarely held accountable for human rights violations and crimes against racialized communities due, in part, to deficient investigations, a lack of independent and robust oversight and few or no complaint and accountability mechanisms.⁶⁶ Considering that all human rights and fundamental freedoms are indivisible and interdependent, such violations of civil liberties also constitute violations of the right to development. The Declaration on the Right to Development, in article 6 (3), specifically enjoins States to take steps to eliminate obstacles to development resulting from failure to observe civil and political rights.

40. Racism and racial bias in policing and administration of justice have other implications for collective human security, which is essential to fulfilling the right to development. The Declaration on the Right to Development, in article 8, calls on States to take appropriate economic and social reforms, to be carried out with a view to eradicating all social injustices. Sustainable Development Goal 16, on promoting peaceful and inclusive societies, is premised on the recognition that limited access to justice is a threat to sustainable development and that principles of equality and non-discriminations are necessary foundations for a prosperous and sustainable world.

41. The Durban Declaration recognizes that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and are often some of its key consequences. The Declaration also reaffirms that non-discrimination is a fundamental

⁶¹ Durban Declaration, para. 25.

⁶² [A/74/308](#), para. 41.

⁶³ See <https://www.coe.int/en/web/commissioner/-/afro-phobia-europe-should-confront-this-legacy-of-colonialism-and-the-slave-trade>.

⁶⁴ *Ibid.*

⁶⁵ [A/HRC/47/53](#); see also <https://www.ohchr.org/en/2021/06/un-human-rights-chief-urges-immediate-transformative-action-uproot-systemic-racism>.

⁶⁶ [A/HRC/47/53](#), para. 33.

principle of international humanitarian law and calls for justice for victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically.⁶⁷ Victims of racism and racial bias in policing and the administration of justice should be assured of having access to justice, including legal assistance, where appropriate, and effective and appropriate protection and remedies, including the right to seek just and adequate restitution for any damage suffered as a result of such discrimination. These rights are enshrined in numerous international and regional human rights instruments, including, in particular, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

F. Political exclusion and alienation

42. The rise of nationalist populism in some countries and its association with racist political discourse, anti-immigration policies, racial and ethnic discrimination and xenophobic anxieties fosters the increased marginalization and alienation of racialized communities, placing them in precarious social, cultural, legal and physical conditions. This has adverse implications for the equality of opportunity of development for both individuals and communities. As stated in the preamble to the Declaration on the Right to Development, development is a comprehensive economic, social, cultural and political process that aims to constantly improve the well-being of the entire population and all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits. Therefore, political inclusion and civic participation are essential to fulfilling the right to development in terms of State obligations and international cooperation.

43. Violent and exclusionary nationalist ideologies and political platforms based on notions of racial superiority or discrimination, such as neo-Nazism and neo-fascism, pose a threat to political participation and civic inclusion of racial and ethnic minorities. As noted in the Declaration on the Right to Development, such doctrines of racial superiority and prejudice contribute to establishing circumstances propitious to the development of a significant part of humankind. With the rise of populist nationalism in some States, the exclusion and/or marginalization of racial and ethnic minorities from political processes constitute major obstacles to the realization of the right to development. For example, the Council of Europe has noted that, across Europe, Roma communities have been subjected to political exclusion, stigmatization and socioeconomic discrimination. This is partly the consequence of xenophobic statements by leading politicians, which extremist groups in several European countries have exploited. Such discrimination has resulted in the violation of the rights of Roma people across several sectors, including access to housing, employment, education and health care.⁶⁸

44. As noted in the preamble to the Durban Declaration, exclusionary political ideologies founded on race can be rebuffed by reaffirming cultural diversity as a cherished asset for humanity's advancement and welfare, which should be valued, accepted and embraced as a permanent feature that enriches our societies. The perpetuation of false, misleading, stereotyped and racist representations of minority groups and individuals in the media, including on the Internet, has contributed significantly to the spread of racist, xenophobic, sexist and other discriminatory attitudes and ideas and, in some cases, has encouraged physical violence.⁶⁹ States, civil society organizations, informational technology and social networking corporations and the media all have key roles to play in fostering positive ideals of multiculturalism and combating racist political ideologies and racially discriminatory political doctrines.

⁶⁷ Durban Declaration, para. 104.

⁶⁸ Commissioner for Human Rights, Council of Europe, *Human rights of Roma and Travellers in Europe* (Strasbourg, 2012), pp. 8–9.

⁶⁹ *Ibid.*, paras. 88–91.

V. Racism, international cooperation and global partnerships

45. The Declaration on the Right to Development stipulates that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development (art. 3) and the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development (art. 4). The Declaration also stipulates, in addition to effective international cooperation, which is essential in providing developing countries with appropriate means and facilities to foster their comprehensive development, that the realization of the right to development requires full respect for the principles of international law concerning relations and cooperation among States. States are urged to promote a new international economic order based on sovereign equality and cooperation among all States, which should cooperate to promote and strengthen universal respect for human rights for all without distinction as to “race, sex, language or religion”.

46. The “rights-based development” framework, widely adopted by international organizations, development agencies and practitioners, seeks to align the objectives of development policies and practices to specific human rights norms as enshrined in international human rights instruments. Central to these norms is the principle of non-discrimination, inclusive participation, equality and equity.⁷⁰ This aligns with Sustainable Development Goal 17, which seeks to strengthen the means of implementation and revitalize the global partnership for sustainable development. This includes promoting non-discriminatory and equitable multilateral trading systems under the World Trade Organization and related international development agendas.

47. Despite these principles and provisions, racism and racial discrimination remain obstacles to international cooperation and global partnerships in the context of the right to development, as has been made clear in the present study and in previous reports. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has highlighted the colonial antecedents of the doctrines of international law that pose a barrier to combating racism and racism discrimination at a global level.⁷¹

48. The submissions from States, civil society organizations and other stakeholders to the questionnaire of the Expert Mechanism for the present study indicate that several stakeholders consider racism a significant obstacle to international cooperation and partnerships on the right to development. The major points raised in stakeholder submissions include the following:

(a) Racism dehumanizes and marginalizes peoples, thereby creating inequities in economic and social development between States;⁷²

(b) Racism is manifested in international development through a lack of diversity in aid and development organizations: leadership positions at the helm of multilateral and bilateral organizations do not reflect diversity in race or nationality;

(c) Racism and prejudice in the international development sector create mistrust between recipients and aid organizations and is, therefore, an obstacle to international cooperation: racism undermines the principles of the Charter of the United Nations and the aims set out in the preamble to the Declaration on the Right to Development relating to the achievement of international cooperation in “solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race”;

⁷⁰ United Nations Development Group, “The human rights-based approach to development cooperation towards a common understanding among United Nations agencies” (New York, 2003). Available at https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf.

⁷¹ A/74/321, para. 10.

⁷² Submission by Malta.

(d) The recent rise in nationalist political movements in certain rich donor countries that reject open and free international exchange and advocate protectionist measures that undermine the scenarios of international cooperation has fostered an increase in racist and xenophobic ideology; political pressure from these movements has had a negatively effect on the ability of those countries to contribute more generously to international development and cooperation efforts; countries must move away from such leadership if the world community desires peaceful coexistence and global human development.⁷³

49. These concerns were reinforced in stakeholder consultations undertaken for the present study. Several civil society respondents drew attention to a culture of covert racism and racial bias in academia and in the ranks of international organizations, NGOs and private sector organizations involved in development work. These concerns have been acknowledged by the Secretary-General, who has initiated a series of dialogues to examine racism and racial discrimination within the United Nations system.⁷⁴

VI. Addressing racism in the context of the right to development

50. Despite 75 years of anti-racism engagement across the United Nations system, racism and racial discrimination persist today as pervasive and destructive national and global forces.⁷⁵ This reality underscores the need for renewed commitment by States and concerted action by the international community to address the disparities and inequalities in human development as a result of racism and racial discrimination. Civil society organizations can play a crucial role in such efforts by holding Governments and international organizations to their human rights obligations and their commitments to non-discrimination and equality of opportunity for development, including through entities of the United Nations system, such as the treaty body mechanisms, the Committee on the Elimination of Racial Discrimination and the special procedures of the Human Rights Council. As societies become ever more multi-ethnic, multireligious and multicultural, greater investments in inclusivity and cohesion are required to harness the benefits of diversity for all humanity rather than perceiving it as a threat.⁷⁶ The international community is called upon to reaffirm its commitment to universal human rights and shared values that enshrine equality and dignity for all within and beyond the framework of the right to development.

51. Over the past few years, some States and regional bodies have taken steps to address systemic racism and racial discrimination within their jurisdictions. These include laws, policies and other pragmatic interventions that address racism in the context of operationalizing the right to development for enhanced implementation of the Sustainable Development Goals. The Expert Mechanism recognizes that, in some cases, anti-racism and non-discrimination have been integrated into the formal education and training of officials working in public institutions, including those involved in operationalizing national development agendas. Several States have introduced measures to hold public institutions and private organizations accountable for racial discrimination in key sectors related to the right to development, such as employment, housing, health and education.

52. From State responses to the questionnaire for the present study, the Expert Mechanism notes that some States and regional organizations have taken proactive steps to address racial discrimination in the broad context of national development. Such measures include national anti-racism agendas and action plans, including the National Council to Prevent Discrimination and the national survey on discrimination (Mexico); the National Policy for a Society free from Racism, Racial Discrimination and Xenophobia and the protocol in situations of racial discrimination and xenophobia (Costa Rica); the Agenda for Equal Rights

⁷³ Submissions by Qatar.

⁷⁴ "United Nations holds dialogues to examine racism in its ranks" (November 2020). Available at <https://news.un.org/en/story/2020/11/1078152>.

⁷⁵ Society for the Psychological Study of Social Issues, "Beyond the human rights rhetoric on 'Leaving no one behind'", p. 3.

⁷⁶ United Nations, "Overcoming racism demands action 'Every day, at Every level,' Secretary-General Stresses, in Message to Human Rights Council" (February 2021).

of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People (Ecuador); the National Office against Racial Discrimination (Italy); and the National Directorate of Racial Ethnic Equity, Migrants and Refugees (Argentina).

53. These agendas and action plans can help to address racial discrimination as an obstacle to fulfilling the right to development. However, such measures and interventions need to be continually assessed and re-evaluated to ensure that they are meeting the goal of combating systemic racism. States, civil society organizations and international organizations are enjoined to share good practices, shortcomings and lessons learned in addressing racism in the context of operationalizing the right to development and achieving the 2030 Agenda. The 2030 Agenda, which is grounded in international human rights norms and informed by the Declaration on the Right to Development, provides a comprehensive framework for combating racism and racial discrimination and dismantling structural and systemic barriers to sustainable development for groups facing racial discrimination.

VII. Measurement, assessment and accountability

54. Research and racially disaggregated information are vital to anti-racism policies, and assessment mechanisms are essential to identifying and remedying incidents of racial discrimination. The international community cannot adequately tackle a problem it cannot properly identify, document and measure. Despite calls by several United Nations human rights experts for disaggregated data for groups protected under international law, only limited attention has been focused on collecting and disaggregating data on discrimination affecting racial and ethnic populations.⁷⁷ Moreover, some States are still reluctant to collect and publish disaggregated data on racial and ethnic grounds for a number of reasons, including a fear that evidence of inequalities might undermine national unity and nation-building or may trigger conflicts in diversified societies.⁷⁸ The Expert Mechanism believes that the urgent need to redress the harms of systemic racism through publicly available data outweighs these considerations.

55. A key theme that has emerged in the present study is the absence, or inadequacy, of indicators for assessing racial discrimination and the effectiveness of national and international anti-racism laws, policies and programmes. For instance, our understanding of the links between race and health status, race and vulnerability to disease, race and gender and race and poverty remains limited by the lack of disaggregated information on race.⁷⁹ According to the Special Rapporteur on adequate housing, the “primary impediment to understanding the impact of COVID-19 on the right to adequate housing has been the lack of disaggregated data to show the impact in terms of gender, race and caste or along other lines”.⁸⁰ Similarly, the Working Group of Experts on People of African Descent has noted that while available disaggregated data highlights the racial disparities present in prevention, infection and treatment of COVID-19 in many States, the lack of uniform, universal disaggregated data has also compounded the impact of the pandemic on people of African descent. The failure to keep disaggregated data facilitates and conceals human rights violations against racialized communities.⁸¹

VIII. Conclusions and recommendations

A. Health and the COVID-19 pandemic

56. Given the devastating health and social impact of the COVID-19 pandemic on underserved racialized communities in several States, the Expert Mechanism calls on

⁷⁷ Society for the Psychological Study of Social Issues, “Beyond the human rights rhetoric on ‘Leaving no one behind’”.

⁷⁸ [A/HRC/48/72](#).

⁷⁹ See Kevin Boyle, Introduction, in *Dimensions of Racism*.

⁸⁰ [A/75/148](#), para. 6.

⁸¹ [A/HRC/45/44](#), para. 71.

States to take proactive, targeted measures to protect vulnerable individuals and communities. Like other indicators of health-care disparities, race should be considered in ongoing vaccine distribution alongside compounding risk factors, such as medical conditions, essential/frontline worker status and age. States and local health authorities should consider vulnerable racialized and minoritized groups to be a high priority in COVID-19 immunization.

57. At the international level, the Expert Mechanism reiterates its previous call on States to combat vaccine nationalism and to cooperate in bridging the vaccine divide within and between States.⁸² One key step in this regard would be to formally declare and operationalize COVID-19 vaccines as a global public good. The WHO COVID-19 Vaccine Global Access (COVAX) facility programme should consider racial health disparities nationally and globally to provide equitable vaccine access to all countries. The Expert Mechanism welcomes the proposal for an international treaty on pandemic prevention and preparedness or a more comprehensive system of international health regulations to facilitate the effective prediction, prevention, detection and assessment of and response to future pandemics in a collective and coordinated manner.⁸³ Such an international health regulatory framework is essential to a more sustainable, equitable and inclusive world.

B. Housing

58. Safe, affordable and stable housing is key to accessing the enjoyment of other rights. The Expert Mechanism calls on Governments, civil society organizations and relevant international organizations to conduct regular, fair housing audits and to ensure non-discriminatory renting and buying policies. This should be accompanied by State-led targeted aid in acquiring housing for vulnerable racialized individuals and groups through investment, funding and rent control measures and the building of initiatives.

C. Employment

59. States should address racial discrimination in access to employment through special measures such as affirmative action or other targeted policies and programmes to fulfil the right to development and meet the Sustainable Development Goals. States and other stakeholders should institute and sustain processes to promote diversity and sensitivity training in the workplace. Such interventions should be evidence based and data driven. States should encourage and facilitate the self-identification of intersecting factors that adversely impact employment prospects, such as race, ethnicity and gender. States should enact or strengthen workplace safeguards and anti-discrimination legislation to ensure equitable employment standards, including recruitment and promotions. States should promote these inclusive initiatives comprehensively and in a way that addresses opposition and backlash from dominant groups.

D. Education

60. In accordance with Sustainable Development Goal 4, States should institute and sustain mechanisms to eliminate racial disparities in education and ensure equitable and inclusive quality education and promote learning opportunities for all. Policies aimed at bridging the education divide should be linked with employment interventions. Access to higher education and vocational training will aid in ensuring access to

⁸² “COVID-19: UN experts urge WTO [World Trade Organization] cooperation on vaccines to protect global public health”, 1 March 2021. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26817&LangID=E>.

⁸³ WHO, “Global leaders unite in urgent call for international pandemic treaty”. Available at <https://www.who.int/news/item/30-03-2021-global-leaders-unite-in-urgent-call-for-international-pandemic-treaty>.

employment. School curricula and teaching materials should reflect culturally relevant information and include the histories and contributions of all communities, especially those susceptible to racial and ethnic discrimination. Curricula should be updated to include historical information about racism, including the slave trade, colonialism, segregation and ongoing police and systemic injustice and violence. Texts should fairly reflect the histories and cultural contributions of indigenous, minority and racial groups.

61. The Expert Mechanism reiterates the call in the Durban Declaration for States to put programmes in place to eliminate inequalities of access for racialized minorities, to update curricula to be inclusive and respectful of minority cultures and histories and to hire, retain and promote educators and administrators belonging to under-represented groups. Educational institutions should enshrine a mandate of acceptance and diversity. These changes will offer students and staff insight into inclusive policy and curricula and encourage understanding and respect for diversity.

E. Policing and justice

62. Recent police violence and protests have brought into stark reality the pervasiveness of racism within the systems of justice and governance in many countries. States should take proactive steps to combat racism and racial discrimination in policing and justice systems. This should include racial and cultural sensitivity training for law enforcement personnel and ensuring justice and accountability in cases of racial discrimination.

63. Proportional representation of racial minorities should be sought out and encouraged by States within policing agencies, administration and court systems through recruitment initiatives and ongoing and inclusive policy re-evaluations. The Expert Mechanism calls on States to ensure that emergency measures enacted due to the COVID-19 pandemic are not used as justification for police harassment and violence, unjust imprisonment, improper care of inmates or the surveillance of racialized and vulnerable communities.

64. The Expert Mechanism reiterates the call of the High Commissioner upon all States to adopt whole-of-government and whole-of-society reforms and responses to racial disparities and inequities in policing and justice systems.⁸⁴ States must show stronger political resolve to accelerate action for racial justice and equality, including by taking concrete steps to “implement the recommendations made by United Nations and regional human rights mechanisms, national commissions of inquiry, national human rights institutions and equality bodies”.⁸⁵ These interventions should take the form of adequately resourced and sustained national and regional action plans and concrete measures developed through national dialogues with the meaningful participation of racialized communities.

65. State interventions to address racial disparities and foster the equality of opportunity for development should centre on substantive equality rather than formal equality. Substantive equality interventions should consider the impacts of historical inequities, contemporary discrimination and the disproportionate effect of laws and policies on the lives of racialized individuals and communities.

F. Media

66. Members of the media are encouraged to promote messages of inclusivity and diversity. Journalists, writers and broadcasters should be representative of diverse groups and be well-trained in diversity and sensitivity to all of the intersections of compounding discrimination. The use of negative stereotyping, racial slurs or the promotion of racial hierarchy should be condemned in the media and by its regulating

⁸⁴ A/HRC/47/53, para. 19.

⁸⁵ *Ibid.*, para. 67.

bodies. Furthermore, States should develop accessible educational initiatives that offer individuals the tools to critically engage with media sources in order to encourage the ability to question the validity and note potential bias in media accounts.

G. International cooperation

67. Along with sovereign equality, States should make non-discrimination, inclusive participation and equality of opportunity for development cardinal principles in fulfilling their duty to cooperate to promote international development. International cooperation and partnership for development should centre on promoting and strengthening universal respect for human rights for all without distinction as to race, gender, nationalism, language or religion.

H. Development organizations and agencies

68. International development work should be guided by the core principles of equality, non-discrimination and inclusive participation. International organizations, NGOs and private sector organizations involved in development work should establish mechanisms to identify and combat racial bias and other forms of discrimination in their ranks. Special measures should be put in place to ensure diversity in the leadership and staffing of such organizations. Development agencies and financing for development stakeholders should collect disaggregated data on the impacts of development interventions on racialized groups to ensure that they enjoy equal benefits with other groups and are not disproportionately disadvantaged. This includes building the capacity of civil society organizations and racialized communities to bring complaints of racial discrimination before national, regional and international monitoring and accountability mechanisms, in particular those relevant to development financing, such as the Compliance Adviser Ombudsman of the International Finance Corporation and the Multilateral Investment Guarantee Agency affiliated with the World Bank Group.

I. Measurement and accountability

69. To address the information deficit in the efforts to combat racism, the Expert Mechanism recommends that States collect and publish disaggregated data on race and other social determinants to highlight existing disparities and encourage international cooperation and strategies for preventing and combating systemic social discrimination. The Statistical Commission should take the lead in collecting and making accessible human rights data disaggregated by race, among other identifiers. Disaggregated racial and ethnic data should be included in State reporting on compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and in the voluntary national reviews of Member States used to assess progress on the Sustainable Development Goals.

70. The Expert Mechanism recommends that States and international organizations adopt robust accountability measures at national and local levels, such as race disparity audits, equality impact assessments, human rights impact assessments that include data on race disparities and other measures to redress the adverse impact of refugee immigration and border enforcement policies on racial equality. As the Expert Mechanism noted in its first thematic study, assessments such as human rights impact assessments are especially important for establishing national and international conditions favourable to realizing the right to development.⁸⁶ They are also important when States take collective action through international organizations that may either impede or promote the realization of the right to development or the Sustainable Development Goals. Information and data from such assessments should be easily

⁸⁶ A/HRC/48/63, paras. 45–46.

assessable and widely available for use by all levels of government and civil society and by other international actors.

71. Related to measurement and assessment is the question of accountability. As noted by the Special Rapporteur on the right to development, “it is only possible to give effect to the right to development if there are adequate accountability mechanisms and remedies in the case of violations”.⁸⁷ To address the obstacle that racial discrimination poses to fulfilling the right to development, States and other stakeholders must develop robust accountability mechanisms where they do not exist and must strengthen and make more accessible existing institutional grievance mechanisms, such as national courts, administrative procedures, complaints mechanisms and national human rights institutions.

72. The Expert Mechanism on the Right to Development is committed to working closely with all stakeholders in providing expert advice and guidance to combat systemic discrimination and to promote equality of opportunity for development in operationalizing the right to development.

⁸⁷ [A/HRC/42/38](#), para. 136.