



HUMAN RIGHTS COUNCIL 59th SESSION

Agenda Item 9, Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

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Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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Excellencies and distinguished delegates, it is great honour to again present before the Human Rights Council. I would like to express my gratitude to all UN Member States, civil society organizations, UN entities and other stakeholders who have extended their cooperation to my mandate over the last year.

Since I last presented to this Council, I undertook an official country visit to Brazil in August 2024 and presented reports to the 79th session of the General Assembly on special measures and combating the glorification of Nazism.

Later this year, I will visit Austria and sincerely thank the Government for their cooperation with my mandate. In addition, I thank the other Member States who have showed openness to me visiting and I will keep in touch as I develop my plans for subsequent years. I will also attend the 80th session of the General Assembly to present reports on conflict and racial discrimination and combatting the glorification of Nazism.

Today, I have the privilege of presenting three reports on my official country visit to Brazil; intersectionality from a racial justice perspective; and combating the glorification of Nazism.

I will start by discussing my official visit to Brazil. I undertook my visit between the 5th and 14th of August 2024, visiting the capital Brasilia, Salvador, Sao Luis, Sao Paulo, Florianopolis and Rio de Janeiro. I would like to sincerely thank the Government for their cooperation in all aspects of my visit and for their open and constructive dialogue throughout. I would also like to offer my deepest appreciation to all of the civil society organizations who supported my visit and heartfelt gratitude to the individuals who shared their lived experiences.

I commend the Government for recognizing that racism is a systemic phenomenon and for institutionalizing efforts to prevent and address racial discrimination. As outlined in my report, I identified several promising steps toward addressing racism and racial discrimination. These include, for example, the institutionalization of anti-racial discrimination efforts in Brazil through the creation of the Ministry of Racial Equality and the Ministry for Indigenous Peoples; the development of a policy on Roma persons; and robust affirmative action programmes to facilitate access among marginalized racial and ethnic groups to some universities, and public sector employment.

While recognizing positive elements in the response of the Government to racism and racial discrimination, it was evident during my visit that people of African

descent, Indigenous Peoples, Quilombola communities, Roma persons and those from other marginalized racial and ethnic groups in Brazil, including those who face intersectional discrimination, continue to experience multifaceted, deeply interconnected and pervasive manifestations of systemic racism.

Manifestations of systemic racism discussed in my report include indigenous and Quilombola land rights; environmental racism; the situation of women from marginalized racial and ethnic groups; systemic racial discrimination in law enforcement and the criminal justice system; and racialized religious intolerance and discrimination; and racial and xenophobic stereotyping and hatred including the rise of neo-Nazi groups.

My overall conclusion, as articulated in my report, is that systematized racial discrimination and pervasive racialized violence, and exclusion appears to be common characteristics of the lived experiences of those from diverse marginalized racial and ethnic groups. Moreover, there is a direct link between these contemporary manifestations of systemic racism and the complex history of Brazil, which includes colonialism, previously legalized enslavement and military dictatorships. Systemic racism appears to have endured since the formation of the State of Brazil, despite courageous and sustained advocacy among anti-racism human rights defenders.

Anti-racial discrimination efforts need to recognize, address and remedy the root causes, historical drivers and underlying power structures of contemporary systemic racism through a reparatory justice approach. To achieve the effective implementation of a reparatory justice approach, Brazil should dedicate significant additional resources to anti-racial discrimination efforts to address the historical underinvestment in marginalized racial and ethnic groups, provide reparations for historical harms and accelerate the pace of change towards substantive racial equality.

In my report, I provide a series of recommendations to the Government and other stakeholders on the achievement of further progress towards racial equality. I urge the full and effective implementation of my recommendations, as well as the recommendations made by other racial justice and human rights mechanisms, including the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement. I again thank the Government of Brazil for their open and productive engagement with my mandate

I now wish to turn to my report on intersectionality from a racial justice perspective. As outlined in my report to the Human Rights Council at its fifty-third session, the adoption of an intersectional approach to identifying and addressing contemporary forms of racism and racial discrimination is a central part of my vision for my tenure as Special Rapporteur. My thematic report reflects this strategic focus.

As a woman shaped by intersecting social realities—I speak today on intersectionality: an academic framework rooted in the lived experiences of Black feminists in the United States that now resonates globally, from women of African descent to Dalits, Indigenous, Roma Arab, Muslim, Palestinian, and other marginalized women including the LGBTQI.

My report outlines that the concept of intersectionality emerged from the work of Black feminists in the United States of America. It emerged as a powerful critique of the mainstream feminist approach that negated the element of race in analysing discrimination and exclusion. Feminist and critical race scholar Kimberlé Crenshaw first articulated the term “intersectionality” to describe the mutually compounding impact of race and gender-based discrimination on Black women. My report also provides analysis of how the intersectionality as a concept and framework has been further adopted and applied by feminists and scholars from many different marginalized groups to understand and analyse the intricacies of discrimination and exclusion. For example, scholars from Dalit, Indigenous and Muslim communities have further contributed to the development of the concept in the global South context. I recognize that there is a degree of heterogeneity about how intersectionality is understood and applied but offer some analysis on the definition of the concept and framework.

My report includes overview of the international human rights law framework, with a particular focus on the obligations of States to prevent and address multiple and intersectional discrimination. It also includes some analysis of manifestations of intersectional discrimination in different countries and regions, drawing on the submissions that I received in response to my public call for information to inform the report.

My report argues that recognizing the manifestations of systemic racism and intersectional discrimination affecting racialized groups, as exemplified in the previous subsection that an intersectional approach be taken to effectively address such phenomena through effective human rights-based laws, policies and programmes. I provide analysis on some of the key elements of an intersectional approach, including: systemic, racial and historical analysis; centring the diverse and fluid lived experiences of those who have faced systemic racism and intersectional discrimination through full and effective representation and participation; intersectional special measures; disaggregated and intersectional data; the recognition of multiple and intersectional discrimination within national legal frameworks; and intersectional remedies. My report very strongly notes that women of African descent, caste oppressed communities, Roma, Arab, Muslim, Palestinian women and several other racially and racially marginalized communities are disproportionately affected due to their identities which further exacerbate due to the lack of policies with intersectional approach.

My report concludes that intersectionality is a powerful concept and framework for addressing systemic racism and intersecting forms of discrimination, oppression, marginalization and related human rights violations. It is an important approach to disrupting and dismantling systemic racism and intersectional discrimination. The international human rights law framework includes obligations for States to prevent, address and remedy systemic racism and intersectional discrimination. Despite such obligations, manifestations of intersectional discrimination affecting racialized groups persist across countries and regions. To address systemic racism and intersectional discrimination, urgent and bold action should be taken by States to implement an intersectional approach, inclusive of all the key elements outlined in my report. Moreover, States, particularly those who benefited the most from colonialism and enslavement, must invest in comprehensive and structural reparatory justice approaches that account for historical wrongs and the persistent structures of racial inequality, discrimination and subordination. I provide a series of recommendations to States and other stakeholders on the implementation of an intersectional approach.

Finally, I wish to highlight my report on combating the glorification of Nazism, neo-Nazism and related ideologies submitted pursuant to General Assembly resolution 79/160. I thank all Member States who made submissions for their contributions to this report. I would also like to express my gratitude for the submissions provided to my mandate by civil society actors.

My report notes, with concern, the continued prominence of racist, nationalist and far-right political parties and organizations operating throughout various national contexts. In response to such trends, my report highlights relevant provisions within international human rights law, including article 2 (1) and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as provisions in other treaties, including the prohibition to incitement to racial hatred contained within the International Covenant on Civil and Political Rights. My report recommends that Member States take a number of measures to address the concerning prominence of different manifestations of hatred. The measures recommended include improving relevant national legal frameworks; adopting national action plans; strengthening and expanding efforts to employ education and public awareness campaigns to combat racist stereotypes and promote diversity; increasing disaggregated data collection; and augmenting efforts to implement relevant international legal provisions, including the International Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action. My report also makes some targeted recommendations to other stakeholders, calling on them to continue and strengthen their work facilitating collaboration between stakeholders, collecting disaggregated data, providing support to victims and survivors of hate speech and hate crimes and promoting public awareness of multiculturalism and tolerance.

I thank you for your attention and look forward to a constructive interactive dialogue with you.