



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the Human Rights Council 4<sup>th</sup> Session

### **Working Group of Experts on People of African Descent<sup>1</sup>**

#### **Chairperson of the Working Group**

Mr Peter Lesa Kasanda.

#### **Mandate**

The Working Group, composed of five experts from different regions of the world, was established under the Durban Programme of Action to study the problems of racial discrimination faced by people of African descent. The Working Group makes proposals for the elimination of this type of discrimination, focusing on access to justice, improvements to their human rights situation, initiatives at the community level, allocations of additional investments in different services intended for people of African descent, and affirmative action programs.

#### **Activities**

- Annual report

#### **Annual Report<sup>2</sup>**

#### **Scope:**

The Working Group holds a five-day session every year, under which it examines specific themes. This report presents the debates and recommendations on the themes of racial profiling, as well as the modalities of the Working Group's programme of work.

#### **Summary and key conclusions:**

- The Working Group acknowledged that **racial profiling** and terrorist profiling practices, including in the administration of justice, were a **violation of the right to non-discrimination** anchored in international and regional conventions.
- There is **no widely accepted definition** of racial profiling and provisions of international human rights instruments are only a general framework for approaching the issue.
- **Discrimination** can be *de jure* and institutional, for example in the administration of justice.
- **Police and other law enforcement officers** often rely on racial profiling to find out whether a person is involved in criminal activity even though it has been demonstrated that no significant

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<sup>1</sup> Summary prepared Elodie, Intern, ISHR; edited by Gareth Sweeney, Information Program, ISHR.

<sup>2</sup> The full-text of the report is available on the website of the Office of the High Commissioner for Human Rights (OHCHR): <http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.39.pdf>

results had been achieved in terms of enhanced security through this method. The principle of non-discrimination should be respected and those who do not do so should be held accountable.

- The existence of a strong **complaint mechanism** is essential. Complaints against law enforcement officers for discrimination must be seriously investigated.
- The **collection of data** on the phenomenon of racial profiling is weak and an independent mechanism would help solving this issue.
- The Working Group stressed the importance of ensuring that law enforcement agencies are fully **representative** of the community they serve.
- Racial profiling tends to stigmatise people of African descent and stereotype them as having a propensity to criminality. Muslims are particularly subject to discrimination and intolerance and this has devastating effects. The development and implementation of **educational campaigns** is therefore important.
- Diversity is an asset and, in order to overcome discrimination, **measures aiming at creating cohesive communities** should be implemented, as well as understanding and interaction between communities.
- Often, receiving countries establish policies which force immigrants to abandon their past cultural identity to prove that they have integrated into their host society.

### **Key recommendations:**

#### **States should:**

- Design and implement a system of education and training for law enforcement officers and military personnel that includes international human rights norms against racism and discrimination, as well as alternatives to racial profiling;
- Abolish and prohibit any discrimination in legislation within their jurisdiction, criminalize racial profiling and establish oversight mechanisms to monitor and combat this practice;
- Collect disaggregated data to monitor the occurrence of racial profiling and to propose corrective measures;
- Ensure the involvement of people of African descent at all levels throughout law enforcement agencies.