



# General Assembly

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 1

### Organizational and procedural matters

**Burkina Faso,\* Iran (Islamic Republic of)\*\* and State of Palestine\*\*:** draft resolution

#### **43/... The promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against police brutality and other violations of human rights**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, which promote and encourage respect for human rights and fundamental freedoms,

*Recalling* the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling also* its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

*Recalling further* the General Assembly resolutions in this regard, in particular Assembly resolution 73/262 of 22 December 2018, and the imperative need for their full and effective implementation,

*Alarmed* at the resurgence of violence, racial hatred, hate speech, hate crimes, neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice, including the resurgence of racial superiority ideologies that incite hatred and violence against Africans and people of African descent,

*Recalling* its resolution 7/34 of 28 March 2008, and all subsequent resolutions on the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including those of the Commission on Human Rights,

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\* On behalf of the States Members of the United Nations that are members of the Group of African States.

\*\* State not a member of the Human Rights Council.



*Taking note* of the historic resolution on racial discrimination in the United States of America adopted at the first ordinary session of the Assembly of African Heads of State and Government of the Organization of African Unity, held in Cairo from 17 to 24 July 1964, and the statement made by the Chairperson of the African Union Commission following the murder of George Floyd in the United States of America on 29 May 2020,

*Recalling* the statement made by the Inter-American Commission on Human Rights on 8 June 2020 expressing its strong condemnation of the murder of George Floyd and repudiating structural racism, the systemic violence against Afro-Americans, impunity and the disproportionate use of police force,

*Recalling also* the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

*Recognizing* the critical role played by law enforcement personnel in realizing a safer world, and stressing the essential need to build trust with the public they serve,

*Encouraging* States to look into their manuals and guidelines used for training law enforcement personnel with a view to identifying the proportionality of measures in the handling of suspects and other persons in custody,

*Reaffirming* the importance of the Durban Declaration and Programme of Action in advancing racial equality, ensuring equal opportunities for all, guaranteeing equality before the law and promoting social, economic and political inclusion without distinctions based on race, age, sex, disability, descent, national or ethnic origin, religion or economic or other status,

*Welcoming* all statements made by the special procedures regarding the killing of George Floyd, and in particular their joint statement of 5 June 2020, and the statement made by the United Nations High Commissioner for Human Rights on 3 June 2020,

1. *Strongly condemns* the continuing racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent, and the structural racism endemic to the criminal justice system in the United States of America and other parts of the world recently affected;

2. *Expresses alarm* at the recent incidents of police brutality against peaceful demonstrators defending the rights of Africans and of people of African descent;

3. *Decides* to establish an independent international commission of inquiry, to be appointed by the President of the Human Rights Council, to establish the facts and circumstances relating to the systemic racism, alleged violations of international human rights law and abuses against Africans and people of African descent in the United States of America and other parts of the world recently affected by law enforcement agencies, especially those incidents that resulted in the deaths of Africans and of people of African descent, with a view to bringing perpetrators to justice;

4. *Requests* the commission of inquiry to examine federal, state and local government responses to peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists;

5. *Calls upon* the Government of the United States of America and other parts of the world recently affected, and all relevant parties to cooperate fully with the commission of inquiry, and to facilitate its access, requests the cooperation of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry to fulfil its mandate promptly and efficiently;

6. *Requests* the commission of inquiry to provide an oral update to the Human Rights Council at its forty-fifth and forty-sixth sessions, and to present a final report to the Council at its forty-seventh session;

7. *Also requests* the commission of inquiry to remain seized of the situation of Africans and people of African descent, and to bring cases of racial discrimination and violence against them to the attention of the Human Rights Council;

8. *Requests* the High Commissioner to include updates on police brutality against Africans and people of African descent in the United States of America and other parts of the world recently affected in all future oral updates to the Council.

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