

51st session of the Human Rights Council



Panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights

Statement by Nada Al-Nashif
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28 September 2022

Geneva, Palais des Nations, Room XX

Distinguished President,

Excellencies,

Dear panellists,

I am pleased to join this important discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights. I am especially proud to acknowledge the significant contribution that human rights mechanisms have made to this debate, as you will hear from the Experts.

Since the United Nations came into existence, more than 80 former colonies comprising some 750 million people have gained independence. Nonetheless, the process of decolonization remains incomplete. The fourth International Decade for the Eradication of Colonialism (2021-2030) therefore presents an opportunity to accelerate the pace of action towards universal decolonization, and to confront the legacies of colonialism. As the two Covenants remind us, **all** peoples have the right of self-determination – that is, the right to freely determine their political status and pursue their economic, social and cultural development. The right of self-determination is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.

As recognized by States through the adoption of the Durban Declaration and the Programme of Action in 2001, colonialism has led to racism, racial discrimination, xenophobia and related intolerance. Individual states have also recognized that Africans and people of African descent, people of Asian descent as well as indigenous peoples were victims of colonialization, and of its consequences. At the regional level, in March 2019, the European Parliament encouraged EU institutions and Member States to “... officially acknowledge and mark the histories of people of African descent in Europe, including of past and ongoing injustices ... such as slavery and the transatlantic slave trade, or those committed under European colonialism”.

Last July, my Office presented to the Human Rights Council a flagship report on racial justice and equality, pursuant to resolution 43/1 . This report found that systemic racism against Africans and people of African descent persists in large part due to misconceptions that the abolition of slavery, the end of the transatlantic trade in enslaved Africans and colonialism, and measures taken by States to

date, have actually removed the racially discriminatory structures built by those practices and created equal societies. In fact, no State has comprehensively accounted for the past or for ongoing impacts of systemic racism – including the stark socioeconomic and political marginalization that shapes the lives of people of African descent in some countries.

While some States have undertaken initiatives to reform colonial-era laws and practices that fail to conform with international human rights law, in many others these laws continue to stifle fundamental freedoms, impede economic development and interfere with personal liberties, for example in criminal law and procedure, and the management of emergencies.

Excellencies,

The ongoing legacies of colonialism have had disproportionate impacts on indigenous peoples' rights, cultures and languages, as well as on their economic opportunities and prosperity. The United Nations Declaration on the Rights of Indigenous Peoples underscores that indigenous peoples have suffered from historic injustices because of their colonization and the dispossession of their lands, territories and resources. This continues to fuel inequalities and prevents them from exercising their right to development in accordance with their own needs and interests.

Our Office has repeatedly highlighted the rise in racism, xenophobia and stigmatization of Asians and people of Asian descent in some countries for example during the COVID-19 pandemic. Examples include incidents of racially motivated physical and verbal abuse, incitement to hatred in the media, workplace discrimination, violence in public spaces, bullying in schools and denial of access to services including healthcare.

It is only with strong political leadership, honest dialogue and creative, effective and comprehensive responses, including measures of empowerment, that we can address the long-lasting impact of the legacies of colonialism on many societies, and its linkages to contemporary forms of racism, racial discrimination and longstanding inequalities.

This requires delving deeper into the analysis of root causes and drivers, and identifying existing structures, laws and policies that perpetuate discrimination, marginalisation and exclusion. Addressing

the legacies of colonialism can contribute to overcoming inequalities both within and among States as well as sustainable development challenges of the 21st century.

Existing recommendations by United Nations and regional human rights mechanisms, as well as political commitments contained in the Durban Declaration and Programme of Action, along with legal obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, can all help address the negative impact of such legacies on human rights and reparatory justice.

In addition, the Four-point Agenda towards Transformative Change for Racial Justice and Equality from the abovementioned High Commissioner's report has actionable recommendations including confronting these legacies, and contributing to accountability and redress for Africans and people of African descent. These recommendations include creating, reinforcing and fully funding national and other processes to construct a shared narrative on enslavement, the transatlantic trade in enslaved Africans and colonialism and their lasting consequences for Africans and people of African descent. Also, making amends for centuries of violence and discrimination through wide-ranging and meaningful initiatives, within and across States, including through formal acknowledgment and apologies, truth-telling processes, and reparations in various forms.

I trust this distinguished panel will provide a platform for important additional analysis, reflections and guidance towards meaningful solutions to address these negative impacts of such legacies on human rights.
