Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Working Group of Experts on People of African Descent; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Ref.: OL USA 26/2025
(Please use this reference in your reply)

1 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Working Group of Experts on People of African Descent; Special Rapporteur in the field of cultural rights and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 52/36, 45/24, 55/5 and 54/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **various executive orders, memorandums, and policies issued by the United States Government on ending Diversity, Equity and Inclusion (DEI) programs and race-centred ideology in historical exhibits and memorials.** Some of the executive orders have been subject to a previous communication led by Special Procedure mandate holders (OL USA 5/2025). We regret not receiving a reply to the letter.

According to the information received:

On 20 January 2025, the President of the United States of America issued executive order 14151, titled "Ending Radical and Wasteful Government Diversity, Equity, and Inclusion (DEI) programs and Preferencing" and executive order 14170, titled "Reforming the Federal Hiring Process and Restoring Merit to Government Service." On 21 January 2025, the President of the United States of America issued executive order 14173, titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" and executive order 14253, titled "Restoring Truth and Sanity to American History." The next day, on 22 January 2025, a Special Notice by the General Services Administration (GSA) was issued, titled "Notice of Intent to Suspend Enforcement of Contractual Diversity, Equity, and Inclusion (DEI) terms in Existing Agreements." On 5 February 2025, the Department of Justice issued a memorandum titled "Ending Illegal Diversity, Equity, and Inclusion (DEI) and Diversity, Equity, Inclusion, and Accessibility (DEIA) Discrimination Preferences." On 23 April 2025, the President of the United States of America issued executive order 14281, titled "Restoring Equality of Opportunity and Meritocracy." The aforementioned policies have been followed by the announcements that civil rights divisions and enforcement bodies across various federal agencies and departments are to be abolished or heavily downsized.[1]

[1] E.g. U.S. Department of Education, Environmental Protection Agency, Department of Labor, Office of the Federal Contract Compliance Programs, Equal Employment Opportunity Commission, and Department of Housing and Urban Development.

Lastly, on 23 July 2025, the President of the United States of America issued executive order 14319, titled "Preventing Woke AI in the Federal Government."

Executive order 14151, "Ending Radical and Wasteful Government DEI programs and Preferencing"

The executive order aims to end "illegal and immoral discrimination programs, going by the name 'diversity, equity and inclusion (DEI)'", as well as the "Equity Actions Plans" previously submitted by federal agencies. It tasks the Director of the Office of Management and Budget (OMB), supported by the Director of the Office of Personnel Management (OPM) and the Attorney General, with overseeing the order's implementation by conducting a comprehensive review of all existing "federal employment practices, union contracts, and training policies or programs."

The order stipulates that within 60 days of its issuance, agency heads, in consultation with the aforementioned Directors, must terminate all DEI and DEIA offices and positions, all "equity action plans," "equity" actions, initiatives, or programs, "equity-related" grants or contracts, and all DEI or DEIA performance requirements for employees, contractors or grantees, to the fullest extent permitted by law. Additionally**,** agency heads are required to provide the Director of the OMB with: (i) a list of all positions, committees, programs, services, activities, expenditures and budgets in existence on 4 November 2024 and an assessment of whether these were "misleadingly relabeled in an attempt to preserve their pre- 4 November 2024 function"; (ii) a list of federal contractors who have "provided DEI training or materials to agency or department employees," (iii) a list of federal grantees who "received federal funding to provide or advance DEI [and] DEIA... programs, services, or activities since 20 January 2021." The order requires that deputy agency or department heads use this information to achieve "equal dignity and respect" through eliminating initiatives that promoted DEI.

Executive order 14170, "Reforming the Federal Hiring Process and Restoring Merit to Government Service"

This executive order states that the federal government must not hire "based on impermissible factors, such as one's commitment to illegal racial discrimination under the guise of 'equity." It tasks the Assistant to the President for Domestic Policy, in consultation with the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Administrator of the Department of Government Efficiency (DOGE), with developing a Federal Hiring Plan that will "prevent the hiring of individuals based on their race."

Executive order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity"

This order revokes executive order 11246 of 1965 issued by President Lyndon Johnson mandating affirmative action and non-discrimination obligations. The order defines efforts of previous administrations to advance equity and inclusion

as "…dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called 'diversity, equity, and inclusion' (DEI) or 'diversity, equity, inclusion, and accessibility.'" The order terminates DEI practices in the federal government promoting diversity and affirmative action, and is applicable to federal employers, agencies, contractors and subcontractors. Under the order, the Office of Federal Contract Compliance Programs is charged with "immediately ceasing the following: promoting diversity, holding federal contractors and subcontractors responsible for taking affirmative action, and allowing or encouraging federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion or national origin." Section 4 of executive order also directs the head of all executive agencies, with the assistance of the Attorney General, to "take all appropriate action with respect to the operations of their agencies" to "encourage the private sector to end illegal discrimination and preferences, including DEI." [1]

Special Notice by the General Services Administration (GSA) of 22 January 22025, "Notice of Intent to Suspend Enforcement of Contractual DEI Terms in Existing Agreements"

The notice states that "GSA intends to take immediate action to begin forbearing enforcement of all contract clauses, provisions, terms, and conditions, related to 'diversity, equity, and inclusion' (DEI)," claiming that such "programs divided Americans by race, wasted taxpayer dollars, and resulted in discrimination." Additionally, the GSA claimed to be "aware of efforts by some in government and private industry to disguise these programs by using coded or imprecise language" and requested that all employees who were "aware of a change in [their] contract since 5 November 2024, to obscure the connection between the contract and DEIA or similar ideologies" to "please report all facts and circumstances" to GSA within 10 days.

Department of Justice memorandum on "Ending Illegal DEI and DEIA Discrimination Preferences"

This memorandum targets DEI practices that "discriminate based on race or sex" by private employers and the educational sector. It indicates that by 1 March 2025, the Civil Rights Division and the Office of Legal Policy will submit a joint report to the Associate Attorney General with recommendations for measures to take encouraging private sector employers to end policies relating to DEI.

Executive order 14253, "Restoring Truth and Sanity to American History"

The order states that "over the past decade, Americans have witnessed a concerted and widespread effort to rewrite our Nation's history, replacing objective facts with a distorted narrative driven by ideology rather than truth," specifically criticizing initiatives undertaken at the Independence National Historical Park in Philadelphia, Pennsylvania, the Smithsonian American Art Museum, and the National Museum of African American History and Culture. The order prohibits "expenditure on exhibits or programs that degrade shared

American values, divide Americans based on race, or promote programs or ideologies inconsistent with Federal law and policy." The order also instructs the Secretary of the Interior to take action to "ensure that all public monuments, memorials, statues, markers, or similar properties within the Department of the Interior's jurisdiction do not contain descriptions, depictions, or other content that inappropriately disparage Americans past or living."

Executive order 14281, "Restoring Equality of Opportunity and Meritocracy"

The executive order, emphasizing that the principle of equal protection under the law encourages "meritocracy and a colorblind society, not race- or sex-based favoritism," characterizes disparate-impact liability as a "key tool" of a "pernicious movement" threatening equal protection and claims that it is unconstitutional. The order establishes that "it is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible" and tasks the Attorney General and agency heads with repealing, halting, and deprioritizing any disparate-impact regulations, policies, or pending investigations.

Executive order 14319, "Preventing Woke AI in the Federal Government"

Executive order 14319 recognizes that artificial intelligence (AI) will play an important role within American society and Americans will require reliable outputs from AI. It states that "ideological biases or social agendas are built into AI models, they can distort the quality and accuracy of the output." DEI is described as the "most pervasive and destructive of these ideologies" within the executive order. The executive order states that in "the AI context, DEI includes the suppression or distortion of factual information about race or sex; manipulation of racial or sexual representation in model outputs; incorporation of concepts like critical race theory, transgenderism, unconscious bias, intersectionality, and systemic racism; and discrimination on the basis of race or sex. DEI displaces the commitment to truth in favor of preferred outcomes and, as recent history illustrates, poses an existential threat to reliable AI."

We are deeply concerned that instead of confronting systemic racism and gender imbalance and its root causes, the aforementioned executive orders, memorandums, and policies could further entrench racial inequalities in the United States of America by targeting initiatives promoting the equal opportunity of marginalized persons and groups and undermining measures that have previously been taken to commemorate past injustices. Combined with the proposed downsizing of federal agencies tasked with civil rights enforcement and radical shifts in their priorities, these measures could result in the systematic dismantling of the federal apparatus protecting individuals from racial and gender discrimination, sending a dangerous signal to both individual and institutional perpetrators of racial discrimination that they will not be punished, and to historically marginalized persons and groups, that they will not be protected.

At the outset, we wish to clarify that DEI and DEIA initiatives do not constitute racial discrimination under international human rights law. Article 1 of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which

was ratified by the United States on 21 October 1994, 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 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." Article 1, paragraph 4, further clarifies that "special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups . . . *shall not be deemed racial discrimination*, provided . . . that such measures do not lead to the maintenance of separate rights for different racial groups and that they shall not be continue after the objectives for which they were taken have been achieved." In that regard, article 2, paragraph 2, obliges States Parties to "take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms."

Eliminating DEI and DEIA measures that have been in place appear to be contrary to the obligations of your Excellency's Government under ICERD to implement positive measures to address existing racial inequalities. The termination of such initiatives, which would qualify as temporary special measures designed to promote the adequate advancement of historically marginalized groups, and sanctioning them as a form of unlawful distinction based on race, appear to contravene the aforementioned definition of racial discrimination under article 1 of ICERD. We also wish to remind your Excellency's Government that the Committee on the Elimination of Racial Discrimination (CERD Committee), in its general recommendation No. 32 (2009), clarified that "special measures should not be removed or diminished before the objectives for which they were introduced have been achieved." As such, requiring the elimination of DEI and DEIA initiatives in the federal government and beyond, while racial inequalities continue to affect African descent, Arab, Islamic, Indigenous, Latino individuals and other ethnic and racial minorities, including those facing intersectional forms of discrimination, would violate art. 2 of ICERD. Furthermore, the proposal under the Department of Justice memorandum to weaponize civil rights law, that aims to safeguard historically marginalized groups from discrimination, to target DEI and DEIA initiatives in the private sector and educational institutions would appear contrary to the principle of non-retrogression in the protection against racial discrimination (CERD/C/GC/37, para. 33).

We further observe that the termination and prohibition of DEI and DEIA initiatives could lead to violations of the rights to non-discrimination and equality of historically marginalized persons and groups, who would likely be disproportionately impacted by the proposed measures. We wish to remind your Excellency's Government that the obligation to ensure equal treatment of all persons without distinction of any kind, such as race, colour, sex, language, national or social origin, or other status is enshrined in multiple core human rights treaties ratified by the United States of America.[2] As the CERD Committee clarified, "the term 'non-discrimination' does not

[2] The obligation to ensure non-discrimination and equality is codified in several core human rights treaties, e.g. art. 2 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on

signify the necessity of uniform treatment when there are significant differences in situation between one person or group and another… to treat in an equal manner persons or groups whose situations are objectively different will constitute *discrimination in effect*, as will the unequal treatment of persons whose situations are objectively the same" (CERD/C/GC/32, para. 8).

By prohibiting DEI and DEIA initiatives and labelling them as "illegal," "immoral," "destructive" and contrary to merit, executive orders 14151, 14179, 14173, 14281 and 14319 risk creating a widespread chilling effect, deterring public and private institutions from advancing inclusion for historically marginalized persons and groups due to fear of prosecution, contract or funding revocation, or other sanctions. The termination of such initiatives may disproportionately impact racially and ethnically marginalized communities, creating further barriers in enjoying their rights to work, education, adequate standard of living, social protection, health, access to justice, participation in public life and participation in cultural life, among others. The removal of DEI and DEIA policies is likely to worsen under-representation of marginalized groups in historically White-dominated institutions and reinforce structural discrimination. The likely consequent reduction of opportunities in employment and education for marginalized groups would then have a compounding effect, leading to reduced income, standard of living, social mobility, representation in public life, access to housing, and health outcomes, contrary to your Excellency's obligations under core international human rights instruments.[3] The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on the right to take part in cultural life (E/C.12/GC/21) recalled that the protection of cultural diversity is an ethical imperative, inseparable from respect for human dignity (para. 40). The maligning of DEI and DEIA initiatives within multiple executive orders contributes to misunderstanding of the important role that positive measures play in achieving substantive equality and undermines societal support for their effective implementation.[4]

Furthermore, we note that executive order 14281's proposed elimination of disparate-impact liability would contravene the well-established prohibition of indirect discrimination under international human rights law and violate your Excellency's Government's obligation to ensure not only formal equality but substantive or *de facto* equality for all persons regardless of race, colour, descent, and national or ethnic origin (CERD/C/GC/32, para. 6). As the CERD Committee clarified in general recommendation 37, indirect discrimination includes "action, either acts or omissions, taken pursuant to laws, policies or practices that disproportionately disadvantage racial or ethnic groups, that have an *unjustifiable disparate impact* upon racial or ethnic groups or that fail to secure adequate advancement for disadvantaged racial or ethnic groups to ensure equal enjoyment of their rights" (para. 7). The elimination of disparate-impact liability as a basis to find discrimination may effectively result in turning a blind eye to vast forms of structural and systemic discrimination prohibited

---

8 June 1992; article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), signed on 5 October 1977; article 2(1) of the Convention on the Rights of the Child (CRC), signed on 16 February 1995, and article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed on 17 July 1980. Additionally, articles 1 and 2 of the Universal Declaration of Human Rights (UDHR) prohibit discrimination on status-based grounds.

[3] See e.g., International Convention on the Elimination of Racial Discrimination (ICERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR).

[4] A/79/316

by ICERD, directly contravening your Excellency's obligations under article 5 of the Convention. Furthermore, combined with policy decisions to significantly downsize and dissolve civil rights enforcement divisions across various federal agencies and abandon existing federal investigations and litigation enforcing civil rights laws, executive order 14281 could result in the denial of access to justice and effective remedies for racial discrimination against historically marginalized groups, in violation of articles 5 and 6 of the ICERD.

In regard to executive order 14253, which establishes a vague prohibition of expenditures for museums, memorials and cultural institutions promoting an "ideological" or "divisive" views of history, we observe that it could result in a *de facto* prohibition of federal funding for efforts to commemorate historical injustices, including the transatlantic slave trade and colonialism. This could result in a wide range of rights violations for racially and ethnically marginalized groups, including but not limited to their freedom of expression, right to access and enjoy heritage, cultural rights, as well as rights to truth, justice, reparation, memory and guarantees of non-recurrence. Under art. 7 of ICERD, State Parties are obligated "to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, to combat prejudices... and to promote understanding, tolerance and friendship among nations and racial or ethnic groups." As stated by the Special Rapporteur on contemporary forms of racism in her report to the General Assembly (A/79/316), "[c]ontemporary manifestations of racial discrimination cannot be understood in a historical vacuum," as "systemic racism… is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism" (para. 20). Accordingly, reconciliation among racial groups cannot be achieved without proper education, remembrance and dissemination of information on historical injustices. By disparaging the commemoration of past atrocities and promoting a "patriotic" and sanitized view of history, executive order 14253 appears to run contrary to your Excellency's obligations to promote racial reconciliation and may reinforce the very ideologies that have historically led to racial discrimination, which is strictly prohibited under art. 2 and 5 of ICERD.

The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on the right to take part in cultural life (E/C.12/GC/21) noted the obligation of States to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures (para. 50(a)). Cultural heritage is a critical resource for safeguarding, questioning and transmitting historical knowledge and narratives of the past, and as such, are resources to ensure the right to education and training without any discrimination, as recognized in article 13 of the ICESCR. The Special Rapporteur in the field of cultural rights has underscored that States have a duty not to destroy, damage or alter cultural heritage (A/HRC/17/38 and A/HRC/31/59). States are reminded that in many instances, the obligations to respect and to protect freedoms, cultural heritage and diversity are interconnected (E/C.12/GC/21 para. 50).

The Special Rapporteur in the field of cultural rights dedicated two reports to the issue of historical and memorial narratives in divided societies, relating to (a) history textbooks (A/68/296) and (b) memorials and museums (A/HRC/25/49). In both reports, the Special Rapporteur stressed the importance of setting out the

conditions to ensure a multi-perspective approach in history teaching and memorialization processes. History teaching and memorial practices should foster critical thought, analytic learning and open spaces for debate. In ensuring that sufficient space is available for various narratives and perspectives to be expressed, she recommended that States and other stakeholders should neither engage in nor support policies of denial that prevent the construction of memorials or memorialization processes (A/HRC/25/49, para. 105). The Special Rapporteur in the field of cultural rights warned against the fact that "dominant homogenizing narrative blanches out diversity, ignoring the cultural heritage of everyone outside the group in power, simultaneously depriving the majority of the opportunity to understand the complexity of their country" (A/68/296, para. 31). She furthermore stressed that memorialization should be understood as processes that provide the necessary space for those affected to articulate their diverse narratives in culturally meaningful ways, and, as a contribution to guarantees of non-recurrence, demands that the past inform the present and facilitate the understanding of contemporary issues relating to democracy, human rights and equality (A/HRC/25/49, paras. 101 and 103).

We would further like to recall that States where serious human rights violations have taken place have a duty to preserve and transmit to current and future generations the memory of those violations, including the actions and responsibilities that led to them and the harm suffered by victims, in order to guard them from extinction and contribute to the prevention of their recurrence. In line with this, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted in his report on memorialization processes (A/HRC/45/45) that memory processes cut across all aspects of full reparation, especially the dimensions of satisfaction and guarantees of non-recurrence, as a new obligation arising from the violations committed. Memorialization is aimed at preserving, and transmitting to present and future generations, accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation and preventing the recurrence of violations. He also stressed that a good use of memory aims to create the conditions for a debate to develop in society on the causes, direct and indirect responsibilities and consequences of past crimes and violence. The Special Rapporteur further noted that memory is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace and to help change toxic cultures of political violence. He warned that memory processes cannot, under any circumstances, deny or attempt to diminish the importance of the violations and crimes committed that were established by truth commissions and/or judicial proceedings (paragraphs 107-108). The Special Rapporteur also expressed grave concern 'about the possible dangerous manipulation of information and memory to the detriment of human rights. At the same time, he stressed that the voices of the victims must occupy a privileged space in the construction of memory, as this will help to counteract denialist and/or revisionist attempts and manipulations by perpetrators of violations and by groups or political interests seeking to revive violence (paragraph 109).

Furthermore, executive order 14253 may result in undue interference of freedom of expression and of the right to take part in cultural life, which includes the right to contribute in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights

(E/C.12/GC/21, para. 15(c)), particularly that of artists, curators, exhibitors and cultural practitioners from historically marginalized groups. Art. 27 of the Universal Declaration of Human Rights (UDHR), art. 19 of the International Covenant on Civil and Political Rights (ICCPR) and art. 15 of the International Covenant on Economic, Social and Cultural Rights protect the freedom of opinion and expression, including artistic expression,[5] and recognize the right of everyone to take part in cultural life and enjoy one's own culture. As stressed by the Special Rapporteur in the field of cultural rights, ensuring the mutual protection of cultural rights and cultural diversity shall be based on (a) the recognition of the diversity of cultural identities and expressions; (b) equal treatment and respect for the equal dignity of all persons and communities, without discrimination based on their cultural identities; and (c) openness to others, discussion and intercultural exchanges (A/HRC/14/36, para. 30). As cultural expressions and historical memory are integral to the dignity and identity of communities affected by racism, censoring their expressions and histories from public spaces and restricting funding on public education of historical injustices may constitute a serious form of cultural exclusion, violations of cultural rights and discrimination in and of itself.

Additionally, executive order 14253 appears to be contrary to the rights to truth, justice, reparation, memory and guarantees of non-recurrence of racially marginalized groups by promoting historical erasure and obstructing efforts for accountability and reparations. According to the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), victims of historical atrocities are entitled to a "full and public disclosure of the truth;" "public apology, including acknowledgement of the facts and acceptance of responsibility;" "commemorations and tributes to the victims," and "inclusion of an accurate account of the violations that occurred … in educational materials at all levels," among others (principle 22). Furthermore, in general recommendation 34, the CERD Committee affirmed the duty of State Parties to ensure public education "about people of African descent, their history and their culture, and the importance of building an inclusive society" (para. 32). The former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence established that to properly address the legacy of serious human rights violations committed in colonial settings, States where the colonization of indigenous peoples and the oppression of people of African descent persists in various forms should: (a) establish mechanisms for investigation and truth-seeking to shed light on colonial violence and on the oppression, racism, discrimination and exclusion that affect those peoples today; (b) adopt memorialization measures that comprehensively address the patterns, the causes and the consequences of rights violations and their impact today, in order to preserve the memory of these events and their dissemination to present and future generations; and (c) consider mechanisms to redress the harm caused to victims and affected communities through reparations. (A/76/180 paras. 103, 107, and 110).

Executive order 14253, by encouraging public memorials and cultural institutions to downplay or erase the extent of past racial injustices, may seriously impede accountability for historical wrongs and the guarantees of their non-recurrence.

---

[5] CCPR/C/GC/34, para. 11.

Without the proper acknowledgment of past abuses, the very foundation for demanding and delivering reparations is undermined, making reparatory justice elusive. In that regard, we remind your Excellency's Government that "[m]eaningful and sustained efforts to address and to provide reparations for the harms of slavery, colonialism and enduring systemic racism are fundamental to the elimination of racial discrimination within the United States" (A/HRC/56/67/Add.1, para. 70).

Given the tangible risk that serious violations of ICERD, ICCPR, ICESCR, UDHR and other core human rights treaties would result from the implementation of the executive orders and policies, we strongly urge your Excellency's Government to retract all aforementioned measures and redouble its efforts to combat racial discrimination in all its forms. We further urge your Excellency's Government to adopt "a comprehensive and intersectional reparatory justice approach that acknowledge[s] and fully remediate[s] the harms of historical atrocities," particularly in relation to colonialism and enslavement (A/HRC/59/62, para. 52 (n)). As highlighted by the Special Rapporteur on contemporary forms of racism, "substantive equality can only be achieved by cognizance of the historical oppression of marginalized communities" (A/79/316, para. 9).

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations and comments.

2. Please explain how your Excellency's Government will ensure that the aforementioned executive orders and policies will not lead to violations of the right to work, education, housing, adequate standard of living, social security, participation in public and cultural life, and access to justice for historically marginalized groups, including people of African, Latino, Arabic descent, indigenous peoples, and other ethnic and racial minorities.

3. Please explain how executive order 14253 is compatible with your Excellency's Government's obligations to protect freedom of expression, cultural rights, and rights to truth, justice, reparation, memory and guarantees of non-recurrence of racially marginalized groups as obligated under ICERD, ICCPR, ICESCR, and other international human rights treaties.

4. Please explain how the elimination of disparate-impact liability under executive order 14281 is compatible with the prohibition of indirect discrimination under ICERD and other human rights treaties.

5. Please explain the rationale for the termination of DEI and DEIA programs under executive order 14151, 14179, 14173, and 14281, considering that they are temporary special measures that have yet to achieve the objectives for which they were introduced for, namely the equal representation of and opportunities for historically marginalized groups.

6. Please explain how your Excellency's Government will ensure that the aforementioned executive orders and policies will not have a chilling effect on the federal agencies and contractors, the private sector, educational institutions, and other organizations from engaging in efforts to promote the equal opportunity of historically marginalized groups.

7. Please explain how your Excellency's Government will ensure the robust enforcement of civil rights law to protect people of African, Latino, and Arabic descent, Indigenous peoples, and other racial and ethnic minorities from discrimination, including both direct and indirect forms of discrimination as required under ICERD.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting website after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

K.P. Ashwini
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Bina D'Costa
Chair-Rapporteur of the Working Group of Experts on People of African Descent

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Bernard Duhaime
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence