

**Recognition through education, cultural rights and data collection
The work of the Committee on the Elimination of Racial Discrimination (CERD)**

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Mrs. President:

Members of the working group of experts on African Descent:

Ladies and Gentlemen:

Before speaking about the work of the Committee on the Elimination of Racial Discrimination regarding education, culture and data collection, let me emphasize a few questions that are often asked by the Committee and usually move the State parties:

Which are the causes and consequences of racial discrimination against African descent?

Which place within the political, economical and social structure hold African descent, for instance, in countries of the Americas?

Are there, in the States and in the international instruments and mechanisms, ethnic-racial indicators that measure the effective enjoyment of economic, social and cultural rights, regarding the African descent?

As established by the International Convention on the Elimination of All Forms of Racial Discrimination, human rights and fundamental freedoms must be guaranteed without distinction on racial grounds. Therefore the Committee, thanks to its work, tries that States Parties recognize effectively this equality. Through its General Recommendations and its concluding observations, the Committee stresses the progresses as well as the challenges to which the States Parties are confronted.

The CERD contribution to education, culture and data collection can be found in several documents and field of action: General Recommendations; thematic discussions, especially the one held in 2011 for the International Year of African descent; and in the concluding observations made to the States Parties.

(1) General Recommendations

In the General Recommendations, we can highlight the 32¹ as well as the 34² which were respectively drafted in 2009 and 2011.

General Recommendation N°32

In the GR 32 on the meaning and scope of special measures in the Convention, the paragraph 15 emphasizes that *“Special measures should not be confused with specific rights pertaining to certain categories of persons or community, such as, for example the rights of persons belonging to minorities to enjoy their own culture, profess and practice their own religion and use their own language [...]”*.

Regarding the data collection, the CERD explains in the paragraph 17 that *“Appraisals of the need for special measures should be carried out on the basis of accurate data, disaggregated by race, color, descent and ethnic or national origin and incorporating a gender perspective, on the socio-economic and cultural status and conditions of the various groups in the population and their participation in the social and economic development of the country”*. This way, the Committee draws the States Parties attention in order for them to collect specific data.

In the paragraph 28, the Committee recalls that States Parties have 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. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved”*.

General Recommendation N°34

The GR 34, regarding racial discrimination against people of African descent, highlights several elements.

Firstly, part 2 regarding rights can be underlined.

Therefore in point 3 of this part, it is recalled that *“People of African descent shall enjoy all human rights and fundamental freedoms in accordance with international standards, in conditions of equality and without any discrimination”*.

Moreover, cultural rights of people of African descent are emphasized in paragraphs 4 and 5 which assert that *“People of African descent live in many countries of the world, either dispersed among the local population or in communities, where they are entitled to exercise, without discrimination, individually or in community with other members of their group, as appropriate, the following specific rights:*

[...] b) The right to their cultural identity, to keep, maintain and foster their mode of life and forms of organization, culture, languages and religious expressions;

c) The right to the protection of their traditional knowledge and their cultural and artistic heritage”.

¹ Committee on the Elimination of Racial Discrimination – Recommendation N°32 “The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination” – 3 to 28 August 2009. Available at: http://www2.ohchr.org/english/bodies/cerd/docs/GC32_Spanish.pdf

² Committee on the Elimination of Racial Discrimination - Recommendation N°34 “Racial discrimination against people of African Descent” –8 August to 2 September 2011. Available at: http://www2.ohchr.org/english/bodies/cerd/docs/GR34_Spanish.pdf

Concerning data collection, the General Recommendation N°34 in the paragraph 9 underlines that States Parties should *“take steps to identify communities of people of African descent living in their territories, especially through the collection of disaggregated data on the population”*.

Finally, the part XI of the General Recommendation deals with the importance of taking measures to guarantee the enjoyment of economical, social and cultural rights of people of African descent. In the part XII – point 61 to 66 of the GR - the CERD speaks about the right to education, among others, in order to fight against stereotyped or demeaning opinions against people of African descent.

In order to develop GR 34, the CERD set up a thematic discussion with the aim of compiling information relative to the causes and consequences of racial discrimination against people of African descent.

(2) Thematic Discussion

The Committee identified this thematic discussion as an initiative to contribute to the celebrations of the International Year for People of African Descent. This Year aimed *“at strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to their full enjoyment of economic, cultural, social, civil and political rights, their participation and integration in all political, economic, social and cultural aspects of society, and the promotion of a greater knowledge of and respect for their diverse heritage and culture”*. This discussion, held in March 2011, allowed the exchange of information on the themes discussed today. The Committee is waiting with high expectation to the proclamation of the Decade of people of African descent, as a suitable opportunity to deepen the progress to the benefit of such population.

Furthermore, the Committee, in order to make States Parties aware as well as guide them, elaborates concluding observations.

(3) Concluding observations

Some concluding observations made to the Netherlands³, Uruguay and Canada can be underlined.

During its 76th session in 2010, the CERD drew the Netherlands' attention regarding *“...the absence of detailed information on the socio-economic situation of minority groups resident in the State Party, including Muslims, Roma and persons of Surinamese and African descent”*. And that *“a significant number of persons belonging to ethnic minorities experience social marginalization and discrimination, particularly in the areas of education, health and housing (art. 5)”*.

In its 78th session of 2011, several observations were made by the Committee to Uruguay⁴ concerning the themes discussed in the debate today. The observations 8, 14 and 19 can be underlined.

The first listed paragraph brings the attention on the absence of *“reliable and more comprehensive statistical data on the population including economic and social indicators disaggregated by race or ethnicity, in particular on people of African descent and indigenous people, to enable it to better evaluate their enjoyment of civil and political, economic, social and cultural rights in the State party”*.

³ CERD – 76° session – 15 February to 12 March 2010 – Concluding observations – Netherlands (CERD/C/NLD/CO/17-18)

⁴ CERD – 78° período de sesiones – 14 de febrero a 11 de marzo de 2011 – Observaciones finales – Uruguay (CERD/C/URY/CO/16-20)

Regarding the concluding observation 14, it emphasizes on economic, social and cultural rights. Thus the Committee is concerned that *“dropout rates of children of African descent remain high compared to other ethnic groups in the population of the State party (art. 5)”*. Therefore, *“The Committee recommends that the State party strengthen its efforts including by undertaking special measures in favor of people of African descent and indigenous origin, in order to reduce inequalities and to improve their effective integration in the Uruguayan society”*.

Concerning culture, the Committee in its paragraph 19 *“recommends the State party to take additional measures to eliminate stereotypes on African descent and indigenous people through awareness-raising campaigns; pursue the promotion of their cultural identity, in particular by including in the school curricula the contribution of those people in the shaping of the identity and culture of the State party; and allocate funds to preserve and promote their identity and culture, including in the media”*.

In the consideration of the reports submitted by Canada⁵, at its 80th session in 2012, the Committee in its observation 16 *“recommends that the State party strengthen its special measures to increase the level of educational attainment of African Canadian children in particular by preventing their marginalization and reducing their dropout rates”*.

Regarding the recognition of people of African descent in the history of Canada, the Committee in its observation 22 is concerned *“at reports according to which the contributions of African Canadians in the State party’s history are not fully recognized and that this non-recognition may contribute to the maintenance of discriminatory stereotypes and prejudice against African Canadians (arts. 2 y 7)”*.

Therefore with those several documents and examples, the contribution of the CERD to the recognition of people of African descent through the three themes developed today can be demonstrated. The importance of those themes is measured thanks to the participation of the people of African descent in the society as a whole. It also can be seen through structural factors against which the States Parties need to fight more decisively, such as poverty.

(4) Final considerations

Data collection, education and culture are essential fields in the path to the full recognition of people of African descent. The CERD welcomes the echo that have received its recommendations in several countries, for instance, in Latin America. In such region, the joint efforts of the governments and civil society have allowed the incorporation of lots of those recommendations in most of the census held these last two decades. And also that, in general, the issue of people of African descent has a growing role into the public agenda of the governments.

The big summits on such population that have been held in the last years, such as the Summit of Ceiba in Honduras, Afro XXI in Brazil and the Latin-American Forum in Colombia, among others, have meaningfully contributed to those purposes. Indeed, I cannot conclude this speech without underlining the importance of the Third World Summit on Mayors and other Leaders of people of African descent which will be held in Cali and Cartagena (Colombia), from 12 to 18 September 2013. Under the motto *“Connecting the Diaspora for Prosperity”*, about a hundred of Mayors, Governors, Presidents and Former Presidents, among others, will meet in Colombia in order to deepen the political dialogue and the international cooperation regarding people of African descent.

⁵ CERD – 80° session – 13 February to 9 March 2012 – Concluding observations – Canada (CERD/C/CAN/CO/19-20)

(5) Recommendations

The introduction of the issue of people of African descent in the national and international agenda is an irreversible fact. The formulation of a Declaration on people of African descent, recommended by the CERD, overlooking the Action Plan of the Decade, could represent the opportunity to consolidate the rights of people of African descent. As well as draw the course of action for such population for the coming decades.

One more reason to work towards a resolution on the Decade of people of African Descent, that would be an expression if not unanimous, at least consensual. The fight against racism, racial discrimination, xenophobia, and, in general, the consequences of the past, which still plot against the development and full equality of people of African descent, are an ethic and moral requirement for all the States without exception.