Workshop on Regional Arrangements for the Promotion and Protection of Human Rights

Member, Working Group of Experts on People of African Descent

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Excellencies of the United Nations

Distinguished Guests

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The observation made by the widely respected African American intellectual, W.E.B. Dubois, that the color line was the main problem of the 20th century rings true today in the 21st century. As the international human rights community celebrates the seventieth anniversary of the Universal Declaration of Human Rights,[[1]](#footnote-2) we are confronted with the uncomfortable reality that racism, racial discrimination, Afrophobia, xenophobia and related intolerance pervades every corner of our global landscape. The curse of the past continues to haunt the global community. The articulation of prejudice, the fomenting of hatred and intolerance, and the seeming justification and acceptance of racial discrimination continues unabated.

There is a gathering darkness over the international human rights system and it is the view of the WGEPAD that the ability to guarantee basic rights to people of African descent and other marginalize people is at grave risk. Longstanding prejudices, the rise of far-right nationalism and nativism on both sides of the Atlantic have resulted in growing incidents of racial discrimination, racial prejudices, Afrophobia and xenophobia, resulting in strong anti-immigration backlash and the scapegoating of migrants, and violence against people of African descent.

The world in which we live is a world where ethnic origin and skin color still has a profound impact on the extent to which a person is fully integrated in some countries. The moral basis for integration has been challenged and tested globally by the race in some countries to limit the intake of immigrants, migrants and asylum seekers. The color of one’s skin continues to affect an individual’s opportunity to receive quality education, jobs, health care, adequate housing. People of African descent continue to record systematically worse economic,social, and health outcomesand are incarcerated at vastly disproportionate rates globally.[[2]](#footnote-3) This restricts the educational achievement of their children, reducing intergenerational mobility. Racism, it seems, pervades all aspects of our lives - from segregated schools to sports arenas, from gentrified neighborhoods, where people of African descent and other minorities are forced out of certain communities and into disadvantaged ones, to public service work.

**Durban Declaration and Program of Action (DDPA)**

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001, was an important step in the fight to combat these manifestations of racism and discrimination. The staging of the Conference was an acknowledgement that racism and other related forms of intolerance was a global problem that requires global solutions. The Declaration which emerged isthe most comprehensive universal human rights instrument on racial discrimination and second in prominence after the ICERD—that is clearest and most elaborate about the connections between colonialism and racial discrimination. It outlines the source and contemporary consequences of racism, the victims of racism, and more importantly, strategies, by way of a Program of Actions, to achieve racial and economic equality.

In paragraphs 13 and14 the Declaration acknowledged that slavery and the transatlantic trade in Africans “*were appalling tragedies in the history of humanity, not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims*.… “*Slavery and the slave trade are a crime against humanity…”* Furthermore, it stated “*these crimes are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts* ***and continue to be victims of their consequences.****”*

The trade in enslaved Africans and slavery has left behind a phenomenal legacy. The legacy is seen on a daily basis. In most societies, the black community are economically marginalized and disenfranchised. Therefore, it is not a coincidence that countries that have had a history of the trade in enslaved Africans also have as their poorest population group people that are disproportionately composed of racial or ethnic minorities. Faced with structural discrimination and structural invisibility, population groups such as people of African descent, face an uphill task in their attempts to attain their human rights thus perpetuating the cycle of poverty across generations. People of African descent are amongst the poorest and most marginalized communities around the world.

The DDPA is a significant achievement in comprehensively outlining a strategy to address historical wrongs and injustices. It reasserts the principles of equality and non-discrimination as core human rights, and assigns primary responsibility for combating racism, racial discrimination, xenophobia and related intolerance to States, as duty bearers, while also calling for the active involvement of international and non-governmental organizations, political parties, national human rights institutions, the private sector, the media and civil society.

Measures of prevention/eradication of racism and racial discrimination

**DDPA calls for**

1. **National Action Plans:** As a mechanism to address racism in all its manifestations, the Declaration called upon all States to fulfill their responsibility as duty bearers “to establish and implement without delay adopt and develop comprehensive national action plans to tackle racism through the reinforcement of national institutions, legislation, the administration of justice, and through the creation of competent national bodies to adequately investigate allegations of racism, racial discrimination, xenophobia or related intolerance.” An increasing number of States have established equality bodies supported by appropriate legislation and policies to combat racial discrimination, but the implementation of the law also requires vigilance and activism from civil society. The implementation of commitments made at Durban to improve the lives of people of African descent are not universal. Nearly 18 years after the adoption of the DDPA only 14 EU Member States had in place dedicated action plans against racism, racial/ethnic discrimination and related intolerance.

**2) Data:** Another key enabling factor for ensuring the recognition of people of African descent and overcoming the historical “social invisibility” is through the collection, recording, monitoring and analysis of reliable information on their living conditions. Collecting, disaggregating and analysing data is an important step towards solving acute and long-lasting problems. It is also a demonstration of political will to monitor the human rights situation of groups facing discrimination.

In accordance with paragraph 92 of the Durban Programme of Action, States should also:

(a) Collect, compile, analyze, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

(b) Such statistical data should be disaggregated in accordance with domestic legislation. Any such information should, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused. The statistical data and information should be collected with the objective of monitoring the situation of marginalized groups, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information. The information should take into account economic and social indicators, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income in order to elaborate social and economic development policies with a view to closing the existing gaps in social and economic conditions;

Furthermore, the reluctance in some countries to disaggregate data based on race and ethnicity in order to identify the most marginalized and most impacted groups in society, calls into question the seriousness among some to rid our society of racism. The collective vision for the world in 2030, as expressed by the global community in 2015, can only be met by committing to the removal of structural and systemic impediments to the fulfillment of the SDGs, including racial bias against people of African descent.

1. **Education Awareness**

Recalling paragraph 99 of the Durban Declaration, in which States concerned

are called upon “to honour the memory of the victims of past tragedies and affirm that, wherever and whenever these occurred, they must be condemned and their recurrence prevented”, States should adopt measures to preserve, protect and restore the intangible patrimony and spiritual memory of sites and places of the slave trade and slave resistance, giving increased visibility to this history and culture through museums, monuments, visual arts and other means, such as the permanent memorial at the United Nations headquarters to honour the memory of the victims of slavery and the transatlantic slave trade. Also, states should ensure that national curricula include the history of Africa before European contact in history education, in order to empower people of African descent about their past before the transatlantic slave trade. Similarly, history education should feature the liberation struggles during and after the colonial period. History education should also be about the development of world civilizations and should stress the contribution of people of African descent to global economic development, especially that of Europe. This will help the recognition of people of African descent as world actors;

1. **Racism and Poverty**

The framers of the DDPA were visionaries. They saw the connection between historical injustices, racism, poverty and underdevelopment and implored upon us the need and importance of reframing the discourse on development. Development should encompass some historical perspective. Furthermore, development should be wholistic. Paragraph 158 and 159 outline this wholistic approach. It mentions the need to develop programs for the social and economic development of the diaspora. I have read with interest, the arguments put forward by the various agencies and development experts about current state of underdevelopment and mutli-dimensional poverty that exist in these societies. It is worth bringing to your attention that the arguments they put forward reject any historical perspective. There is no acknowledgement in development discourse of how colonialism underdeveloped the Caribbean. There is no acknowledgement that the lack of social and economic growth that confront these societies, and which are so visible in the Human Development Index, are structurally linked to the colonial past. Exploitation of the region’s resources (both human and natural) have damaged the Caribbean’s development prospects.

**Positive**

Another achievement was the creation of new mechanisms to address racism and other related issues. One such mechanism is the United Nations Working Group of Experts on People of African Descent. The Working Group was established in 2002 to study the impact of racial discrimination and the challenges faced by people of African descent living in the Diaspora and to make recommendations for its elimination. In fulfilling its mandate, the WG holds two annual sessions, undertake country visits (the most recent was Belgium and Argentina, Guyana, Brazil, Germany, Spain just to name a few). The Working Group of Experts on People of African Descent, like other Special Procedure mandates, can intervene directly with Governments on allegations of violations of human rights that come within its mandate by means of letters which include urgent appeals and other communications. The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned State identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards. In some cases, communications are also sent to inter-governmental organizations or non-State actors.

Another major achievement of the Declaration has been the adoption by the General Assembly of the Programme of Activities for the implementation of the International Decade for People of African Descent: Recognition, Justice and Development (2015-2024).[[3]](#footnote-4) It recognizes that people of African descent represent a distinct group whose human rights must be promoted and protected. The Programme of Activities for the Decade outlines several impact-oriented actions for States in three areas – recognition, justice and development – to improve the overall human rights situation of people of African descent around the world. During the Decade all stakeholders must use this opportunity and give high priority to programs and projects specifically tailored for combating racism and racial discrimination against people of African descent.

It is worth highlighting that the WG engages national human rights mechanisms particularly during field visits and regional mechanisms such as the IACHR rapporteur on rights of persons of African descent and against racial discrimination. We have also had EU level meetings with the FRA in Brussels and ECRI.

**Negative**

While we can point to some progress since the adoption of the Durban Declaration (WGEPAD, the IDPAD), the rate of implementation of commitments made at the Conference to improve the lives of people of African Descent has not been equal across States and many challenges persist that further impede implementation. As a Working Group monitoring the human rights situation of people of African descent and undertaking country level fact-finding missions, it is of great concern to see that indicators in the fields of education, employment, health, housing, infant, child and maternal mortality and life expectancy still show disadvantage and vast disparities when compare to the rest of the population. which focuses on just, peaceful and inclusive societies, offers another instructive example. People of African descent do not have equal access to justice and freedom from all forms of violence, including state violence. The litany of cases of racial profiling by law enforcement globally, and the increasing levels of police violence against people of African descent not only divert policing resources from actual crime, they also create a climate of harassment and injustice that burdens the liberty, freedoms, and fundamental rights of people of African descent. This is a matter of serious concern to the Working Group. dismantling the infrastructure of hate, and the structural and systemic barriers to sustainable development that exist for people of African descent in developing and developed countries.

1. http://www.un.org/en/universal-declaration-human-rights/ [↑](#footnote-ref-2)
2. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>; https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/239/60/PDF/G1723960.pdf?OpenElement [↑](#footnote-ref-3)
3. A/Res/68/237. [↑](#footnote-ref-4)