

Elaboration of a Draft Declaration on the promotion and full respect of human rights of  
people of African descent, including feedback on the Questionnaire

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## Introduction

In accordance with the Human Rights Council [resolution 35/30](#) and the General Assembly [resolution 69/16](#) on the programme of activities for the implementation of the International Decade for People of African Descent, the Working Group of Experts on people of African descent, has decided to dedicate its 22nd session (19-23 March 2018) to preparing for the Intergovernmental Working Group discussion on the elaboration of a Draft Declaration on the promotion and full respect of human rights of people of African descent.

### Submissions on the *Note Verbale* and Call for Inputs

As part of the preparatory work, the WGEPAD sent a *note verbale* to all interested member States and a call for submissions to civil society, to provide submissions on the scope of the Declaration on the promotion and full respect of human rights of people of African descent. In particular, the Working Group asked for input on the key human rights and specific guarantees that the draft Declaration should include.

In total, the Working Group received four submissions from member States, followed by 20 civil society submissions. These submissions compliment and expand upon existing international, regional, and national legal frameworks that protect minorities and people of African descent. Together, they have provided for the beginnings of a discussion on what rights and guarantees should be included in a draft Declaration on the promotion and full respect of the rights of people of African descent.

The information you will hear today is a synopsis of the submissions from member States and civil society, with some minor additions from the Working Group. However, it should be noted that the document is a work in progress that we will continue to develop throughout this week's sessions and going forward. The Working Group would like to encourage further submissions and comments from member States and civil society between now and October.

Member States: 5

- Brazil
- Colombia
- Costa Rica
- Jamaica
- United States of America

Civil society: 20

- Ade Olaiya
- Aging People in Prison Human Rights Campaign
- Annette Pateman
- The Association of Black Psychologists
- Association nationale de promotion et de protection des droits de l'homme
- At-sik-hata
- BTWSC
- Center for Reproductive Rights
- Drammeh Institute
- ENPAD
- Friends of the African Union

- IDPAD
- IHRAAM
- International Commission of Afrodescendants
- Isabel Sousa
- Jasmine Hooi
- Kaneza Foundation for Dialogue and Empowerment
- Kha Nu Community
- Refugee Rights Europe
- United Towns Agency for North-South Cooperation

## Substantive Elements to the draft Declaration

### 1. Preamble

Before discussing particular rights and corresponding State obligations, the draft Declaration should include a preamble.

- The preamble should start by calling upon States to recognize the existence of their population of people of African descent and the cultural, economic, political and scientific contributions made by that population, borrowing language from article 33 of the Durban Declaration.
- Then, pursuant to article 13 of the Durban Declaration Programme of Action, the preamble must stress the relationship between the legacy of the transatlantic trade in enslaved Africans and colonialism, with the persistence of racism, racial discrimination, xenophobia and related forms of intolerance against people of African descent today. The Declaration should also emphasize the importance of the facilitation of resettlement of the descendants of enslaved Africans.
- The preamble should discuss the marginalization, poverty, and exclusion faced by people of African descent, as well as their condition of vulnerability due to multiple and intersecting forms of discrimination, compounded by conditions such as age, gender, sexual orientation, religious orientation and economic situation. The Declaration should outline the importance of eradicating multiple forms of discrimination faced by people of African descent in all areas of the 2030 Agenda for Sustainable Development.
- To this end, the Declaration should primarily express that Africans and people of African descent have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations and in international human rights law.
- The Declaration might also state that African and majority African descendant states have the rights, as all other states, to equality and non-discrimination in international relations. The Declaration should state that African and majority African descendant states have equal rights to sovereignty and political, economic and cultural self-determination.

### 2. Requiring states to ratify all relevant treaties

Following from the preamble, the draft Declaration should urge those States that have not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. It should also encourage States to make the declaration under article 14 thereof, providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of

individuals within its jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

Beyond the ICERD, the draft Declaration should also encourage States to ratify other international agreements related to the fight against racism and discrimination. For example, the Working Group has previously called for universal ratification of the International Covenant on Economic, Social and Cultural Rights as well as the Optional Protocol thereto and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (A/HRC/36/60).

### 3. Ensuring national legislation is compatible with international human rights law

Pursuant to Working Group recommendations (A/HRC/33/61), the draft Declaration should encourage States and civil society to review national constitutions and laws and their compatibility with international human rights law, specifically in relation to combating racial discrimination and Afrophobia against people of African descent.

In order to accomplish this, the draft Declaration should mandate States to make a genuine commitment to the standard of leaving no one behind by collecting disaggregated data. To monitor the implementation of the Sustainable Development Goals, it will be important to improve the availability of, and access to, data and statistics disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts to support the monitoring of the implementation of the Goals. The goal indicators should include the use of data from the existing mechanisms for monitoring compliance with human rights standards, especially the universal periodic review mechanism of the Human Rights Council and reviews of compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

### 4. Reparations

The Declaration should assert a right to reparations and reparative justice for enslaved African peoples, and the descendants of enslaved Africans, within the legal framework of the Durban Declaration and Plan of Action and ICERD (article 6). This article might borrow language from the CARICOM Reparations Committee (CRC), which recognizes that European governments:

- Were owners and traders of enslaved Africans
- Instructed genocidal actions upon indigenous communities
- Defined and enforced African enslavement and native genocide as in their ‘national interests’
- Refused compensation to the enslaved with the ending of their enslavement
- Compensated slave owners at emancipation for the loss of legal property rights in enslaved Africans
- Imposed a further one hundred years of racial apartheid upon the emancipated
- Imposed for another one hundred years policies designed to perpetuate suffering upon the emancipated and survivors of genocide
- And have refused to acknowledge such crimes or to compensate victims and their descendants.

The CRC has recommended that reparative justice includes, but is not limited to:

- A full formal apology from governments to people of African descent
- Repatriation

- Indigenous peoples' development programs
- Investment in African cultural institutions
- Illiteracy eradication
- The establishment of African knowledge programs
- Psychological rehabilitation
- Technology transfers, and
- Debt cancellation.

#### 5. Right to Life, Liberty, and Security of Person

The first fundamental right to be included in the draft Declaration should be the right to life, liberty, and security of the person. Article 3 of the UDHR asserts this right, and it should be reiterated here. It is an essential human right for the enjoyment of all other rights and introduces articles 4 to 21 of the UDHR, in which other civil and political rights are set out.

#### 6. Equality before the Law

The draft Declaration should guarantee equality before the law for people of African descent, including:

- The right to presumption of innocence
- The right to an independent and impartial tribunal, including equal treatment before that tribunal (article 14 of the ICCPR)
- The right to assistance of counsel
- The right to a fair trial (article 14 of the ICCPR)
- The right to ensure full and effective access to the justice system (article 12 of the Durban Declaration Programme of Action)

#### 7. Protection against State Violence, Including Racial Profiling

Pursuant to article 5(b) of CERD, the draft Declaration should reiterate the right of people of African descent to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

This section should clearly delineate intolerance for ethnic profiling and racial stereotyping by States and representatives of States, including law enforcement and judiciary. Ethnic profiling clearly violates fundamental freedoms in the International Bill of Rights, including:

- The right to recognition everywhere as a person before the law (article 16 of the ICCPR)
- Freedom from arbitrary arrest, detention or exile (article 9 of the ICCPR)
- The right to be presumed innocent until proven guilty (article 9 of the ICCPR)

The Declaration should therefore assert freedom from being stereotyped or profiled based on racial, ethnic or national origin (presumed or otherwise).

The Working Group has also recommended the setting up of national observatories on racial profiling to identify and document violations (A/HRC/33/61). The Working Group requests that States design, implement and enforce, in partnership with people of African descent, measures to eliminate racism, racial discrimination, xenophobia, Afrophobia and related intolerance. Accordingly, there should be measures in place for people of African descent to report instances of State profiling based on race, and to receive reparations for those violations.

This section should also include reference to the responsibility of States regarding the training, control and accountability of law enforcement personnel, with a goal of ending the systematic and institutionalized targeting and killing of people of African descent, particularly youth.

Moreover, people of African descent are overrepresented in the prison systems and are often subjected to random searches and harassment by police. In many countries with large populations of people of African descent, abuses range from disappearances, extra-judicial executions, torture and most notably, unequal treatment on the economic, social and political levels. Guarantees against these abuses should also be included in the draft Declaration.

The draft Declaration may also include articles advocating for abolition of the death penalty in States where it exists, articles for the protection of human rights of individuals facing the death penalty in those states, and a challenge to those states seeking to reintroduce the death penalty. This can be framed in the language of article 7 of the ICCPR.

#### 8. Protection against Hate Crimes

The Declaration should include robust legal protections against discrimination and violent crimes, especially those motivated by hate based on race, pursuant to Article 4 of the ICERD. States that have reserved on this Article should be encouraged to reverse their reservation.

All States should be called upon to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. Greater vigilance from all relevant actors is therefore important and requires a comprehensive approach based on a solid legal framework, complemented by other key measures, including education and awareness-raising programmes, and victim-centred approaches, which should be further developed (A/72/291).

There are also concerns regarding the increased use of the Internet and social media by extremist political parties, movements and groups to promote and disseminate racist content (see A/HRC/26/49). All States should be called upon to take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred and promote the values of equality, non-discrimination, diversity and democracy, while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. States should adopt measures to counter such ideas and biases and strengthen freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority.

Law enforcement officials and members of the judiciary should be trained on Afro-centric issues, and should receive specialized guidance on how to tackle racist crimes (A/72/291).

#### 9. Other Protections from Violence

In addition to other provisions aimed at protecting people of African descent from state violence as described above, the draft Declaration should also encourage States to implement the following WGEPAD recommendations (from the draft operational guidelines), and pursuant to article 5(b) of the CERD:

- All programmes aimed at reducing all forms of violence against people of African descent must ensure that from their inception, development, and implementation, people of African descent must not be left behind.

- States must ensure that the abuse, exploitation, trafficking and all forms of violence against and torture of children of African descent is adequately prevented or prosecuted.
- States must ensure that women and girls of African descent are not subject to forced marriage and female genital mutilation.
- States must adopt measures aimed at addressing the illicit financial flows and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- States should ensure that due to corruption, people of African descent are not disadvantaged in any area, and in particular fair access to public procurement, bank loans and entrepreneurship.
- States must recognize discrimination and stereotyping as an insidious form of violence and enforce non-discrimination laws and policies for sustainable development.

### 10. Migrant Rights

The Durban Declaration requested States to “promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in compliance with the UDHR 1948, and states obligations under international human rights instruments, regardless of the migrants’ immigration status.” In the draft Declaration, this should include the responsibility of taking positive action to reduce inequality that marginalises African migrant communities, and that marginalizes other people of African descent who are in a position of statelessness.

For example, pursuant to A/HRC/30/56, the draft Declaration should call on States to take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, including migrants of African descent and people in a position of statelessness, and ensure the full equality of all before the law, including labour law. The draft Declaration should call upon States that have not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and their Families, and to ensure proper implementation of the rights enshrined thereof for people of African descent.

### 11. Refugee and Asylum-Seekers Rights

The submission of Refugee Rights Europe held that specific rights should be afforded to refugees of African descent globally. RRE’s research suggests that people from many African countries typically spend extended periods of time in displacement, before accessing asylum protection. This leaves many people destitute for long periods of time, which can be detrimental to both their physical and mental health, and in many cases increases their risk of falling into the hands of traffickers.

Therefore, the draft Declaration should:

- Define asylum-seekers as inclusive of both asylum-seekers *de facto* and *de jure*
- Mandate that asylum decisions be made within clear and transparent guidelines, and the process of quality decision-making be accelerated to ensure that displaced people are not left in limbo for extended periods.
- Mandate that States ensure access to legal information for asylum seekers of African descent.

- This includes unaccompanied minors, many of whom reported having family elsewhere in Europe, meaning that they might be eligible for family reunification under the Dublin Regulation.
- Mandate that States provide access to medical staff, social workers, and adequate living conditions during the asylum-seeking process.
- Special consideration should be given to African women and girls who are seeking refugee or asylum status, in order to protect them against trafficking.

## 12. General Health

The Durban Declaration requests States to consider concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control for people of African descent. The draft Declaration should therefore: re- assert the human right to health and wellbeing, and highlight new global risks such as climate change, environmental degradation and pollution, and urban migration. Social determinants of health that adversely affect African populations globally, like poverty and Afro-phobia/Afri-phobia, should also be illustrated.

## 13. Health Coverage

For one, the draft Declaration should call upon States to take appropriate steps to ensure that people of African descent are fully and effectively included in the schemes of universal health coverage and the public health system. States must ensure that the coverage of essential health services for People of African Descent is guaranteed in law and practice without any discrimination. In the event of inadequacies, specific programs should be implemented to provide Afro-descendant populations with all essential health services, including vaccination and prescription programs.

States should also be encouraged to ensure that the health workforce includes people of African descent.

## 14. Eradication of Hunger

SDG 2 calls for the end of hunger, achievement of food security and improved nutrition, and the promotion of sustainable agriculture.

The draft Declaration should thereby:

- Encourage States to take all necessary steps to eradicate undernourishment and ensure that People of African Descent effectively benefit from the right to food
- Encourage States to ensure that People of African Descent do not experience food insecurity
- States should take all necessary steps to ensure that children of African Descent under 5 years are equally included in the policies aimed at ending all forms of malnutrition.
- States need to address the nutritional needs of adolescent girls, pregnant and lactating women as well as older person of African Descent on the same basis as the other members of the society.
- Where necessary, special programs should be implemented if people of African Descent constitute a part of the society that is particularly affected by malnutrition.
- States should make sure that the increase in agricultural productivity and incomes of small-scale producers of African Descent meet the target set in goal 2.3 of the 2030 Agenda.



### 15. Disease Prevention and Control

Regarding disease prevention and control, the draft Declaration should call upon states to adopt specific programmes with the aim of further decreasing the incidence of diseases referred to in target 3.3 of the 2030 Agenda, amongst people of African descent. Special attention should also be paid to programmes reporting education on disease prevention.

### 16. Substance Abuse

The draft Declaration should also implement programmes aimed at preventing and treating substance abuse within Afro-descendant populations. Specific attention should be paid to provide possibilities for those overcoming substance abuse to re-integrate with other members of the society through adequately designed programmes facilitating re-entering into labour market and full participation in the life of the community.

### 17. Reproductive Health

The draft Declaration should include reproductive health provisions that:

- Reduce the global maternal mortality ratio to less than 70 per 100,000 live births, a goal which includes:
  - encouraging states to provide reliable data regarding maternal mortality and proportion of births attended by skilled health personnel, within the Afro-descendant population, and
  - ensuring that State efforts aimed at decreasing maternal mortality are effective within the Afro-descendant population. Specific programmes to this effect should be implemented where necessary.
- End preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1000 live births and under-5 mortality to at least as low as 25 per 1000 live births.
- Ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.

It should also recognize the social determinants of health as responsible of a major part of health inequities, and recognize that it is possible to improve health outcome by analysing and acting upon salient social determinants.

### 18. Promotion of Mental Wellness

States should be encouraged to introduce programmes aimed at reducing suicide mortality rate among People of African Descent. In this regard, the draft Declaration should place special attention on programmes enhancing medical and psychological care for those affected by mental conditions and disorders.

The draft Declaration should include the following obligations on States:

- Commission and support the identification of the intentional use and misuse of language that fosters historical trauma and the continued dehumanization and denigration of African peoples with the objective to dismantle the effects of racial discrimination.
- Commission and support a multi-national team of healers to develop Pan African Black psychology treatments and healing protocols to address the unaddressed psychiatric damage stemming from the dehumanizing assault because of colonization and enslavement of peoples of African descent.

- Commission and support the exploration of the role of language, imagery, conscious and unconscious belief systems about African peoples and civilizations over centuries.
- Commission and support the identification of African concepts, themes, stories, folktales, and philosophies that have utility in the restoration of wellness with African persons, families and communities.
- Commission and support the exploration of the possibility of the intersectionality between Euro-American indigenous and African (continental and diasporan) indigenous healing practices while challenging the Western hegemonic domination of the meaning of wellness and/or normality.

### 19. Disaster Prevention and Management

In 2016, the International Law Commission adopted at its sixty-eighth session, 18 draft articles and commentary on the protection of persons in the event of disasters. In accordance with article 23 of its Statute, the Commission recommended to the General Assembly the elaboration of a convention on the basis of the draft articles on the protection of persons in the event of disasters. By resolution 71/141 of 13 December 2018, the General Assembly took note of the draft articles, invited member States to submit comments, and decided to include in its 73<sup>rd</sup> session, in 2018, an item entitled “Protection of persons in the event of disasters.”

The draft articles ask that the inherent dignity of the human person be respected in protected in the event of disasters. Persons affected by disasters are entitled to the respect for and the protection of their human rights in accordance with international law. The articles call upon States to cooperate amongst themselves and with the United Nations, to reduce the risk of disasters, seek external assistance, and offer external assistance in the event of disasters.

In our draft Declaration, Member states should be called upon to document the number of people of African Descent who live in areas that are likely to be affected by climate change (floods, earthquakes, cyclones) and develop national preventive measures. States should put in place disaster management programmes aimed at protecting Afro-descendants. States must also develop educational programmes aimed at raising awareness to Afro-descendants on climate change mitigation, adaptation, impact reduction and early warning.

### 20. Housing

The draft Declaration should also guarantee access to adequate housing. Therefore, member States should be encouraged to develop and implement policies and projects ensuring that people of African descent gain and sustain a safe and secure home and community in which to live in peace and dignity.

### 21. Eradication of Poverty

SDG 1 calls for the end of poverty in all its forms everywhere.

The draft Declaration should thereby advocate for the abolition of poverty for people of African descent. This should include the following:

- Member states should develop desegregated data about poverty among people of African Descent where they do not exist. Where they exist, baseline studies to know root cause and develop remedies should be developed.

- Following data collection of social protection of people of African Descent, Member states should ensure that social protection systems are available, used and accessible to people of African descent.
- Member states should ensure that their development plan provide specific programs and legislation to address the access to basic services of people of African Descent.

## 22. Recognition of Land Claims

The collective control of land is already internationally recognized by the United Nations Declaration on the Rights of Indigenous Peoples as well as by the judicial constructions of the Inter-American Court of Human Rights. The draft Declaration should encourage member States to develop legislation and land reforms to ensure land rights of people of African Descent, especially pursuant to general recommendation 34 of CERD. Where this legislation exists, their implementation should be enforced and evaluated. Traditional practices that prevent women of African descent to inherit land should be discontinued through legislation. Specific protection measures and training for agricultural activities should be provided.

## 23. Education

The right to education should feature prominently in the draft Declaration. The International Convention on Economic, Social, and Cultural Rights already asserts the right of everyone to education without discrimination.

The States Parties to the ICCPR recognize that, with a view to achieving the full realization of this right:

- Primary education shall be compulsory and available free to all;
- Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

Articles 5 and 10 of the Durban Declaration and Programme of Action also request States to consider positively concentrating additional investments in education, and to promote access to new technologies that would offer people of African descent, particularly women and children, adequate resources for education, technological development, and long-distance learning in local communities. These principles should be reiterated in the draft Declaration.

As further guidance for the draft Declaration, the Declaration on the Rights of Indigenous peoples asserts the right of Indigenous peoples to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. Similarly, the Declaration on the Rights of Minority Peoples holds that States should take measures in the field of education, in order to encourage the dissemination of knowledge of the history, traditions, language and culture of

the minorities existing within their territory. These rights should be adapted to fit the circumstances of people of African descent, and be included in the draft Declaration.

Other specific recommendations regarding education stemming from the WGEPAD's draft operational guidelines on the 2030 Agenda for Sustainable Development, that may be included as articles in the draft Declaration, include:

- State must ensure that adequate programmes are in place to achieve literacy and numeracy among Afro-descendant population.
- States must ensure that education facilities attended by children of African Descent meet all necessary criteria such as being child, disability and gender sensitive and providing safe, non-violent, inclusive and effective learning environment.
- It is expected that States will substantially expand the number of scholarships available for People of African Descent coming from developing countries.
- States should ensure that People of African Descent are sufficiently present among qualified teachers at all levels of education.

#### 24. Employment

Employment should also be available to people of African descent without discrimination, as required by ILO Convention 111. The draft Declaration should include provisions regarding the improvement of anti-discrimination legislation and its enforcement in employment by focusing and addressing multiple forms of discrimination such as discrimination based on race, colour, gender and disability. The draft Declaration must therefore promote human rights of people of African descent in compliance with relevant anti-discrimination norms, e.g. to secure and maintain employment appropriate to qualifications and/or professional experience for people of African descent, and with appropriate remuneration for their skills and expertise.

The draft Declaration must also ensure that all African descent youth and women have access to opportunities of formal work with labour and social security rights protected. At the same time, States must ensure that unpaid care and domestic work of women and girls of African descent is adequately recognized and supported in public policies.

#### 25. Cultural Rights

The DDPA “urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture” (article 32).

The rights and freedoms, and corresponding State obligations, outlined by the draft Declaration should thereby include:

- The right to engage in and teach African religions and spiritual practices, including:
  - The right to engage in rituals and ceremonies,
  - The right to use traditional medicines and healing practices,
  - The right to preserve African languages through speech and education without facing discrimination,
  - The right to protect historical sites/to be decision-makers in how these sites are maintained, and
  - The right to hold convenings/meetings exclusively for African people.
- The draft Declaration should call for the preservation of Black institutions.

- The draft Declaration should identify a committee that would receive appeals about deteriorating archives of people of African descent in regions recovering from disasters and conflict. It should also call upon States to identify new sites and collections with the oversight of United Nations Educational Scientific and Cultural Organization and International Council for Archives, to co-ordinate best practices for records and archives management. This would include reviewing recommendations that support the advocacy for the return of art and artifacts to their place of origin wherever possible, as well as, monitoring the requests for new sites of interest.
- States should also be encouraged to promote and fund academic and research endeavours related to African history.
- Preservation of history should also involve changes to school curricula to ensure that all schools teach Afrodescendent history in a fulsome and accurate way. It may also go further to mandate courses on ethnic and racial diversity for all students in school.
- States should also ensure that public spaces are free of hostile iconography that mocks the humanity of people of African Descent. In this regard, is the reference to monuments, structures and cultural practices that continue to demean the humanity of people of African descent with images reminiscent of a violent past.

#### 26. Establishment of Affirmative Action Policies

The draft Declaration should stipulate, according to articles 1 and 2 of the ICERD, that it is the duty of the State and society to actively ensure equality of opportunity (including through affirmative action). The need for special measures and affirmative action policies has been the subject of reiterated observations and recommendations made to State parties under the Convention, summarized in general recommendation No. 32 (2009) on the CERD/C/GC/34.

#### 27. Political Participation

Pursuant to article 11 of the Durban Declaration Programme of Action, the Declaration should guarantee a high level of political participation both in terms of voting and in occupying political positions. The WGEPAD has also recommended that national legislation ensures voters' education and access to voting centres.

#### 28. Budgeting

The draft Declaration should call upon States to assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of these populations in developing countries, *inter alia* through the preparation of specific programmes of action (A/HRC/30/56). Therefore, in line with past Working Group recommendations (A/HRC/30/56), the inclusion of reparations should be in line with the Durban Declaration and Programme of Action, which recognizes the contribution of historical injustices to contemporary poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, in particular in developing countries, and the need to develop programmes for the social and economic development of these societies and the diaspora.

#### 29. Multiple Forms of Discrimination

Pursuant to the recognition in the preamble of the multiple forms of discrimination facing people of African descent, there might also be a stand-alone section that recognizes these insidious forms of discrimination and highlight States' obligations in relation to them.

For example, the Working Group asserts that women of African descent face multiple forms of discrimination, which are interconnected and cannot be addressed separately from one another. The draft Declaration must therefore address inequality affecting women and girls of African descent because of their intersectionality. The specific human rights concerns of women of African descent must be addressed, for example, by “undertaking reforms to give women equal rights to economic resources, access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws,” as asserted by Target 5a of the 2030 Agenda. Specific guarantees for women of African descent will fall within other sections in the draft Declaration.

The draft Declaration should include similar provisions for people of African descent who experience multiple and intersecting forms of discrimination based on sexual identity, gender expression, religion or belief (article 14 of the DDPA), national or ethnic origin, and all other forms of protected identities. The Declaration should advocate for the repeal of discriminatory laws on any of these protected grounds.