

Preliminary Conclusions and Recommendations

UN Permanent Forum on People of African Descent (PFPAD)

First Session, 5-8 December 2022, Geneva, Switzerland

Introduction

1. The United Nations Permanent Forum on People of African Descent (PFPAD) held its first annual session from 5-8 December 2022 at the Palais de Nations in Geneva. In addition to the general debate, five thematic discussions were held, including: the fight against systemic racism—future policymaking for people of African descent; the inclusion of people of African descent in the Sustainable Development Agenda—the cases for climate justice and reparatory justice; connecting the past and future—United Nations Declaration on the promotion and full respect of the human rights of people of African descent; connecting the past and future— equality for all people of African descent; and the future work of the Permanent Forum—feedback from participants. The event was widely welcomed, with the attendance of more than 700 participants from across the world.
2. The Permanent Forum expresses its appreciation to the Member States, UN agencies and anti-racism mechanisms and Experts—including, from the Committee for the Elimination of Racial Discrimination (CERD), the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action, the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance—who participated and contributed to the conversations. The Permanent Forum is especially grateful for the participation and contributions of the many civil society representatives from around the world.
3. The following conclusions and recommendations are preliminary in nature. Together with the proceedings of the second session, they will form the basis of the first report of the Permanent Forum to the Human Rights Council and General Assembly in fall 2023.

Conclusions

4. The Permanent Forum emphasizes the importance of establishing an inclusive and participatory process in amplifying the voices of all people of African descent from all parts of the world, including from Africa, Asia, the Caribbean, North America, South and Central America, the Middle East, the Pacific region, and the Indian Ocean, that also have been subjected to structural racism and racial discrimination as reflected in social, economic, cultural, and political spheres. There is a need for the Permanent Forum to work with a broad and geographically inclusive civil society from all regions and work towards the inclusion of civil society representatives on all panels at the

annual sessions, with a view to drawing more contributions from them. Bearing in mind the diversity of people of African descent—including cultural and ethnic; gender, transgender, people with diverse sexual orientation, gender identity, gender expression and sex characteristics; age; disability; geographic origin; migratory status; social and economic conditions; religious and spiritual, the full inclusion and intersections of such and other grounds should be reflected in the human rights work of the United Nations anti-racism mechanisms, including the Permanent Forum, to ensure full and equal inclusion of all people of African descent.

5. The Permanent Forum is concerned that to undertake the full scope of its mandate, it is crucial that it is fully supported with adequate resources. This includes adequate funding for broad, inclusive, and geographically equitable civil society participation in the annual sessions.
6. The Permanent Forum also confirms the significance of the full and effective implementation of the Durban Declaration and Programme of Action, as it relates to people of African descent, in addressing the legacies of colonialism, Transatlantic trade and trafficking in enslaved Africans, enslavement, and in combatting systemic and structural racism, white supremacist ideology, racial discrimination, xenophobia and related intolerance faced by people of African descent. Encouraging further inquiry into the history, legacy, and structural continuity of the Indian Ocean slave trade to inform the United Nations' commitment to promoting global education and understanding of the root causes and consequences of enslavement and human trafficking, as well as the ongoing efforts towards promoting human rights, social and economic justice.
7. The Permanent Forum affirms the urgent need for Member States to collect disaggregated data on people of African descent based on race, sex, gender, age, geographic (rural/urban) location, employment, economic status; to identify, monitor, and track disparities and hold themselves accountable for the human rights situation of people of African descent as well as for measurable Sustainable Development Goals, racial justice indicators and policy targets, and reviewing the effectiveness and impacts of policies and laws.
8. The Permanent Forum provides a platform for consultations on the need to recognize and effectively address systemic and structural racism against people of African descent. The Permanent Forum affirms that systemic¹ and structural racism may have a compounded impact on the enjoyment of human rights and well-being of people of African descent. It notes that when societies are racially stratified by being socially, culturally, politically, economically, psychologically, institutionally, and in other ways structured, organized, or patterned such that people of African descent, on average do not have equal access to or enjoyment of human rights—this needs to be holistically recognized and addressed. It is inadequate to treat systemic and structural racism against people of African descent solely as individual acts, events, policies, and/or laws.

¹ A/HRC/51/53

9. In identifying and analysing best practices, challenges, opportunities, and initiatives to address, as appropriate, the issues highlighted in the provisions of the Durban Declaration and Programme of Action relevant to people of African descent, the Permanent Forum affirms that from a human rights perspective, reparatory justice is primarily about rectifying and transforming systemic and structural injustices that were established by past injustices and crimes against humanity—and in their place establish social and global justice in the sense of full and equal enjoyment of human dignity, rights, and non-discrimination.² Halting and reversing the lasting consequences of enslavement, colonialism, genocide and apartheid was seen as key to addressing systemic and structural racism against people of African descent—internationally as well as domestically. Participants expressed their grave concerns about the situation of countries such as Haiti that had been subjected to violence, penalized, and forced to pay reparations for its pioneering abolition of enslavement and colonialism and that this history was a primary cause of its current social and economic crisis.
10. In achieving sustainable development and effectively addressing structural inequities within and among countries—including the inequitable impact of climate change and environmental degradation on people of African descent—it is critical that climate justice be included in the work and recommendations of the Permanent Forum. Moreover, the participation of the Permanent Forum and People of African descent in the Climate Change agenda and all the debates organized in the context of the Conference of the Parties (COP) is essential. The Permanent Forum conceptualizes climate justice similarly to how it conceptualizes reparatory justice and holds that from a human rights perspective, climate justice is primarily a matter of rectifying structural injustices, including in the global economy.³ The Permanent Forum also notes the importance of addressing the concerns of the growing amount of African and African descendent climate refugees, who are displaced in the context of disasters and climate change.
11. Women of African descent are a priority for the Permanent Forum, as well as the recognition of their rights and leadership. The 2030 Agenda for Sustainable Development does not mention people of African descent, and it lumps women of African descent into a broader discussion of women’s rights, assuming that women are homogenous. The Permanent Forum looks forward to strong and specific references to the rights of women of African descent in the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. Specific reference should be made to their right to maternal and sexual reproductive health; their right to a life free from violence, stigma, stereotypes, and gender entrapment; their right to access land and productive resources, quality education at all levels, and decent employment; and their right to political participation and leadership.
12. The Permanent Forum welcomes more inclusive spaces for People of African descent, with pertinence to reducing societal stigma and discrimination. More might be done

² See A/74/321

³ See A/74/321 and A/77/2290

to realize human rights for all people of African descent in terms of addressing intersectionality and additional contexts affecting vulnerable groups. Reiterating, therefore, that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust as well as dangerous—and must be rejected, together with theories that attempt to determine the existence of separate human races.

13. The Permanent Forum attaches great importance to the drafting of a UN declaration on the promotion, protection, and full respect of the human rights of people of African descent. It affirms that the Declaration will be a vital tool to guarantee dignity, inclusion, equity, and reparatory justice for Africans and people of African descent. It recognizes the ongoing process at the Intergovernmental Working Group on the effective Implementation of the DDPA, to which the Permanent Forum submitted its preliminary observations. The Permanent Forum is fully committed to conducting broad-based and comprehensive civil society consultations across the different regions of the world, in order to undertake the elaboration of a United Nations declaration on the promotion, protection, and full respect of the human rights of people of African descent.
14. The Permanent Forum affirms the need to include both collective and individual rights to effectively address systemic and structural racism against people of African descent; the need in some social contexts to protect the collective, cultural, religious, territorial, environmental, and other rights of people of African descent; as well as the need for inclusion and empowerment of people of African descent in developing, implementing and monitoring policy-making which concerns them.
15. The Permanent Forum recognises the inter-governmental frameworks and instruments that promote the full inclusion and prosperity of people of African descent. These include, and are not limited to, the African Union's Constitutive Act and Agenda 2063 and its recognition of the African diaspora.
16. Freedom of migration is a key topic for people of African descent. The lack of an equitable, non-discriminate, safe, orderly, and regular freedom of migration for people of African descent, and their right to seek refuge was reflected in the discussions and is a concern of the Permanent Forum. This issue requires further discussion and greater attention from the Permanent Forum. A holistic and transnational approach is needed to resolve the human rights crises related to migration of people of African descent.
17. The Permanent Forum calls for the responsible and inclusive development of emerging technologies, including artificial intelligence, to avoid perpetuating discrimination and exclusion. In particular, the Forum emphasizes the need to prevent algorithmic bias and racial profiling against people of African descent. States must take appropriate measures to ensure that the development and use of emerging technologies are consistent with human rights and do not harm vulnerable communities.

18. The Permanent Forum affirms calls for an extension of the International Decade for People of African Descent 2015-2024 to a second Decade 2025-2034.

Recommendations

RESOURCES AND ACCESSIBILITY

19. The Permanent Forum requests additional support from Member States required to implement its broad mandate. This includes, strengthening of the Secretariat; greater support for civil society participation in the annual sessions; support for global and regional consultations to organize participatory and inclusive discussions with civil society to facilitate their contribution to a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent; for the Permanent Forum to meet more than once a year in intersessional in-person meetings; and to implement the broad scope of its mandate.
20. To ensure that the Permanent Forum is an open and inclusive platform, accessibility should be expanded to all partners and stakeholder, in particular vulnerable groups, including, the elders, persons with disability, youth, LGBTQI+, et al. For greater access to the Permanent Forum, hybrid forms of the sessions should be further developed, interpretation service be provided to Portuguese speaking populations, and an application for digital interaction be created.

REPARATORY JUSTICE

21. The Permanent Forum recognises the existing efforts for reparatory justice within the context of the DDPA, including but not limited to those initiated and being undertaken by CARICOM. It will seek to cooperate with such efforts as necessary and appropriate to achieving reparatory justice for people of African descent.
22. The human rights, legal and institutional grounds for pursuing reparatory justice at the UN, including the International Court of Justice, should be examined to clarify the possibilities of pursuing reparatory justice at the UN and to identify possible gaps. This includes the following measures:
 - a. The General Assembly should consider commissioning an independent international study, which could be carried out in collaboration with the Committee for the Elimination of Racial Discrimination, relevant Special Procedures, and an international team of scholars and experts to clarify and consolidate international law on reparatory justice for people of African descent.
 - b. UN organs and specialized bodies and agencies are requested to seek the assistance of the International Law Commission (ILC) to carry out a comprehensive study on the question of reparations for people of African descent. The ILC has already demonstrated interest in the question. As this

topic is critical for so many countries and people, the Permanent Forum calls on all States to support the initiation of such an ILC study and urge that they speak in favour of this in the Sixth Committee of the General Assembly. The Permanent Forum also calls on the ILC to move the reparations study into its current programme of work and to appoint an ILC special rapporteur with the view to assisting the UN Member States to codify and progressively develop international reparatory justice law.

- c. The Human Rights Council should consider organizing a panel discussion to address the grave human rights situation in Haiti through reparatory justice for a sustainable address of the humanitarian crisis in Haiti and its historical legacies in a manner that centres the will, well-being and future of the Haitian people. This as a possible step towards the establishment of a Human Rights Council Independent International Commission of Inquiry on the subject.
- d. The General Assembly and other relevant United Nations organs and specialized agencies should consider requesting an advisory opinion from the International Court of Justice on the legal question of reparatory justice for histories and legacies of colonialism and enslavement.

23. To further promote reparatory justice, the establishment of the following measures within the UN should be considered:

- a. A fund for the development of people of African descent to address the lasting consequences of enslavement, colonialism, apartheid, and genocide.
- b. A UN Reparatory Justice Commission—which includes Caribbean and African States—to facilitate concrete action on reparatory justice, sustainable development, and equity within and among countries.
- c. A UN Global Summit on Reparatory Justice.

SUSTAINABLE DEVELOPMENT

24. The Permanent Forum requests that the High-Level Political Forum on Sustainable Development includes in its thematic discussions reparatory justice and climate justice.

25. The Permanent Forum urges the United Nations Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (UNFCCC) Intergovernmental Negotiating Committee to ensure sufficient inclusion of NGOs in relation to people of African descent in the UNFCCC negotiations process.

SYSTEMIC & STRUCTURAL RACISM

26. The Permanent Forum recommends the development of official UN Guidelines and a Handbook for a comprehensive human rights-based and data-driven approach to recognising and addressing systemic and structural racism against people of African descent. The Guidelines are to be developed in close collaboration with other anti-racism mechanisms.

DATA COLLECTION

27. The Permanent Forum urges UN agencies, funds, and programmes to collaborate closely with the Permanent Forum to expedite the development of disaggregated data collection practices, analyses, and evidence-based projects on people of African descent and their intersectionalities.

THE DECLARATION

28. The Permanent Forum urges Member States to attach greater importance to the drafting of the UN Declaration on the promotion, protection, and full respect of the human rights of people of African descent and to include in it the right of people of African descent to comprehensive recognition, monitoring, and effective address of systemic and structural racism. It also urges Member States to include both collective and individual rights.

UN COORDINATION

29. The Permanent Forum encourages the Commission on the Status of Women (CSW) and other relevant intergovernmental international and regional mechanisms to address the human rights of women and girls of African descent as a substantive element of their work.

THE INTERNATIONAL DECADE

30. The General Assembly should consider establishing a Second UN International Decade for People of African Descent 2025-2034.