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AFRICAN DESCENT

General Assembly
69th Session
Agenda Item 67a:

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

New York, 3 November 2014
It is an honour for me to address you on behalf of the Working Group of Experts on People of African Descent and to present a report on our activities. It is a particularly important moment in our history as the International Decade for People of African Descent will start next year. In this spirit, I look forward to a fruitful dialogue with you on plans and measures taken to eliminate racism, racial discrimination, xenophobia and related intolerance faced by people of African descent.

Mr President, Let me start by introducing our report. It provides an overview of our mandate and activities undertaken this year, including, a summary of discussions and conclusions from our annual meetings, findings from country fact-finding visits, action taken under the communication procedure, and work related to the International Decade for People of African Descent, as well as our recommendations.

In March the Working Group held its 14th session which focused on the thematic discussion “People of African Descent: Access to Justice”, in line with the theme for the International Decade.

Despite guarantees in international and national law, the prevalence of racism, racial discrimination, xenophobia and related intolerance continues. We are deeply concerned about the lack of accountability for acts of racial discrimination. Many people of African descent are unable to obtain remedies for wrongful acts through their domestic institutions. Respect and protection of human rights for people of African descent can only be guaranteed if access to justice and effective judicial remedies are available when an individual’s rights are violated. Access to justice for people of African descent needs to be made a priority.

People of African descent have historically been, and continue to be, victims of violations of their fundamental rights. The failure to provide appropriate education and training for youth of African descent often results in their unemployment, invisibility and marginalization, this leaves them vulnerable to social and racial profiling, consequently resulting in their overrepresentation in the criminal justice system. Structural racism and discrimination occurs at all stages and levels of the administration of justice, including in legislation, law enforcement, courts and tribunals, and in prisons.

The Working Group urges States, inter alia, to take action and adopt national action plans against racial discrimination and introduce special measures, to address structural discrimination against people of African descent, in line with General Recommendation 32 adopted by CERD.

Mr President, The Working Group undertakes two official country visits a year, at the invitation of Governments, to study the problems of racial discrimination faced by people of African descent, and reports on its findings to the Human Rights Council. We would like to thank all Member States who have cooperated with the Working Group and shown a
willingness to review the human rights situation of people of African descent and address their concerns. This year we visited, the Kingdom of the Netherlands in June, and we will visit Sweden in December. We will report on our findings and recommendations to the Human Rights Council in September next year.

During the reporting period the Working Group also sent allegation letters and urgent appeals under its communication procedure to countries regarding individual cases and thematic issues which fall under its mandate. We would like to thank those States who have provided information and have taken action in accordance with their international human rights obligations to address issues of concern raised by the Working Group.

Mr President, The Working Group welcomes the International Decade for People of African Descent (2015-2024) with great optimism. It is an historic and fundamental moment in the fight against racism, racial discrimination, xenophobia and related intolerance that affect people of African descent in all regions of the globe.

Despite the diversity of situations of people of African Descent there are several common human rights concerns which need to be addressed. These include structural racism and institutional racial discrimination. This is confirmed in indicators of poverty, poor living conditions, low levels of political participation, barriers in access to quality education and labour markets, overrepresentation in prison populations, high rates of imprisonment, discrimination in access to justice, and limited social recognition of people of African Descent’s ethnic and cultural diversity. The effects of multiple forms of discrimination on women, children, young people, migrants and refugees of African descent as well as other particularly vulnerable groups is also noted. Furthermore, the invisibility of people of African descent through lack of statistical data and limited recognition of histories, heritage and contribution to development is a concern.

The International Decade for People of African Descent is an excellent opportunity to prioritize the fight against racism, racial discrimination, xenophobia and related intolerance and eradicate them step by step. We must focus on what needs to be done to promote and protect the rights of people of African descent and ensure that sufficient resources are provided for the effective implementation of the programme of activities for the Decade. The programme of activities is firmly anchored in the Durban Declaration and Programme of Action (DDPA), the outcome document of the Durban Review Conference, the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the DDPA and the International Convention on the Elimination of All Forms of Racial Discrimination, and in the Programme of action elaborated by our Working Group.

States should take concrete and practical steps through the adoption and effective implementation of national and international legal frameworks, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, with special attention to the particular situation of women, girls and young males. Activities to combat racial discrimination must reach a wide audience through campaigns, events and be based on research.

During the Decade the international community, international and regional organizations and other international mechanisms should give high priority to programmes and projects
specifically tailored for combating racism and racial discrimination against people of African descent.

We welcome the work that has begun in this regard. For example, in March 2014 the Chair of the Working Group participated in a Regional Meeting of Latin America and the Caribbean on the International Decade. Participants committed to support the programme of action for the Decade and to expand and enhance regional coordination and cooperation in combating racism and promoting racial equality.

Finally, Mr President, the Working Group believes that the International Decade will contribute to achieving equality and non-discrimination and strengthening the rule of law and democracy.

The Decade themes “recognition, justice and development” provide the framework for action on three key focus areas. Recognition of people of African descent as a distinct group is essential to increasing their visibility and requires greater collection of data to assess their situation as well as respect for their culture, identity, history and heritage. Justice recognizes that people of African descent have historically been, and continue to be, victims of violations of their fundamental rights and requires the full and effective implementation of relevant human rights instruments, combating widespread impunity for racism and racial discrimination and ensuring equal access to justice and equal protection of the law at all stages of law enforcement. Justice also relates to reparations for enslavement and the transatlantic slave trade which should be in line with the Durban Declaration and Programme of Action (DDPA). Development is considered in two ways. Firstly, the role that people of African descent have played historical and contemporarily in global development and secondly, the need for a human rights-based approach to all development activities. Specific attention must be paid to people of African descent in initiatives to realize the Millennium Development Goals and post-2015 Sustainable Development Goals.

Increased efforts are needed by States in these three key areas to protect people of African descent from racial discrimination and to ensure their equal enjoyment of all human rights. The Working Group calls on all relevant actors to work together at national, regional and international levels to make the International Decade for People of African descent effective. We stand ready to support all efforts in this regard.

I thank you