

DRAFT PROGRAMME OF ACTION (ACTIVITIES) FOR THE DECADE FOR PEOPLE OF AFRICAN DESCENT

(IGWG 9/04/14, Second draft)

I. Introduction

1. The IGWG submits this report as requested by the GA in its resolution A/68/237 entitled "Proclamation of the International Decade for People of African Descent". In this resolution the GA requests the President of the General Assembly, through the facilitator, to continue consultations with member states and other stakeholders, with a view to elaborating a programme for the implementation of the International Decade for People of African Descent, with a draft programme developed by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action as its basis, to be finalized and adopted during the sixty-eighth session of the General Assembly and not later than 30 June 2014 (op.2).
2. The present Draft Programme of Action is based on contributions received by Member States and other stakeholders during the 12th session of the IGWG. It also draws on the contributions presented by the WGPAD, the SG's reports and CERD.

II. Why an International Decade for People of African Descent?

3. "Eliminate racism and structural and institutional discrimination against people of African descent, rooted in the infamous regime of slavery, the slave trade and colonialism and reinforced by the context of globalization, which are evident in the situations of inequality, marginalization and stigmatization affecting those people worldwide. Racism and structural and institutional discrimination manifested, inter alia, in their grouping among the poorest of the poor in many countries, often inhabiting the regions, districts and areas, both rural and urban, with the most precarious infrastructure and being more exposed to crime and violence; low levels of participation and underrepresentation in political and institutional decision-making processes; barriers in access to and completion of quality education, which results in the intergenerational transmission of poverty; inequality in access to labor markets; a disproportionate presence in prison populations; limited social recognition and valuing of their ethnic and cultural diversity; and intolerance against religions of African origin. (WGPAD and African Group)
4. Many people of African descent facing racism, racial discrimination, xenophobia and related intolerance on the grounds of race, colour, descent or national or ethnic origin suffer multiple or aggravated forms of discrimination based on other related grounds such as age, sex, language, religion, political or other opinion, social origin, property, birth or other status. (WGPAD and African Group)
5. Women of African descent have historically suffered and continue to suffer compounded discrimination based on racial or ethnic origin, socioeconomic status and gender. This multiple discrimination manifests in situations of limited access to education, employment and security, and vulnerability to gender-based violence. Furthermore, they often suffer

higher rates of maternal mortality due to limited access to maternal health care. Multiple forms of discrimination are also a recurring reason for the denial or deprivation of nationality and therefore a cause of statelessness. (WGPAD and African Group)

6. The relationship between races, social and economic status and citizenship means that migrants, refugees and asylum seekers of African descent around the world are often in particularly vulnerable situations. Many experience violations related both to xenophobia as foreigners and racism based on their African descent. They often encounter barriers in access to employment and work in informal and precarious jobs, often in dangerous conditions. To this end, states should ensure sufficient access to health services, education, housing and social security, which is particularly limited for many such migrants. (WGPAD and African Group)

7. Public and political discourse and its impact on immigration policies often results in migrants and indeed nationals facing racial discrimination and being used as scapegoats for economic and social difficulties faced by societies, particularly in relation to the availability of jobs, housing and health services. Within such discourse, they are often portrayed as criminals and security threats, which enflames mistrust, fear and resentment resulting in further discrimination, racism and xenophobic attitudes and often manifested in violent acts. Migrants in an irregular situation, refugees and asylum seekers are particularly targeted. In some countries, people of African descent are also often disproportionately represented among groups of internally displaced persons. (WGPAD and African Group)

8. Institutional discrimination in justice systems often impacts upon people of African descent. The impossibility of accessing domestic judicial remedies and complaint mechanisms, be they administrative or judicial, is a factor contributing to the persistence of racism. In addition, the absence of judicial guarantees and the lack of sensitivity of justice system operators with respect to racial discrimination, contribute to even deeper resignation on the part of the discriminated groups, and help perpetuate patterns of exclusion and impunity. (WGPAD and African Group)

9. Young men of African descent face alarmingly high rates of police violence. Racial profiling continues to be widely applied as a selective and discretionary mechanism for detaining and investigating and this practice is inextricably linked to the overrepresentation of people of African descent in arrest rates, and in prison populations. (WGPAD and African Group)

10. The discrimination that people of African descent face perpetuates cycles of disadvantage which hinder human development. In accordance with the Declaration on the Right to Development, Programmes of Action should have a specific focus aimed at guaranteeing equal right to full, active and meaningful participation in development decision-making, and to benefit equally and fairly from development gains. This would also be in line with Article 6, which embodies non-discrimination and the elimination of obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights. (WGPAD and African Group)

11. The situation of people of African descent in many cases remains largely invisible, with a lack of official disaggregated statistical data to demonstrate the extent of discrimination. Furthermore, there is limited recognition of their histories, heritage and contributions to

nations' development in education curricula, popular culture or the media, and images of people of African descent often reinforce negative stereotypes informed by deep-rooted discriminatory attitudes. Insufficient recognition and respect have been given to the efforts of people of African descent to seek redress for their present conditions, including through calls "of the moral obligation on the part of all concerned States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices". This should include reparations. (WGPAD and African Group)

12. It is for these reasons that the promotion and protection of their human rights should be a priority concern for the United Nations and that the proposal for the International Decade for People of African Descent is a timely and important initiative. " (WGPAD and African Group) The Decade represents a singular opportunity to underline the important contribution made by people of African descent to our societies and to propose concrete measures to promote the full inclusion of people of African descent and overcome racism, racial discrimination, xenophobia and related intolerance. (Brazil)

The Programme of Action for the Decade for People of African Descent should contribute to achieving equality and non-discrimination and strengthening the rule of law and democracy. (SG report) The Programme of Action should focus on taking real, practical steps in all of our countries, in law and in policy, to confront racism and racial discrimination. (USA) Such a programme should be a useful tool to pave the way for future work by all States in all regions of the world, the international community and civil society for the promotion and protection of all human rights of all people of African descent. Further efforts are needed by States to protect people of African descent from racial discrimination and to ensure their equal enjoyment of all human rights. There is a need for all relevant actors to work together at national, regional and international levels to achieve the goals set forth in the Programme of Action. " (WGPAD and African Group)

III. Theme

13. As recommended (proclaimed) by the General Assembly in its resolutions A/68/237 and 67/155, "People of African descent: recognition, justice and development" should be (is) the theme for the Decade.

a) Recognition:

14. Recognize the importance of the contributions made by people of African descent to the social, cultural, religious, political and economic heritage of the region as well as the need to preserve and disseminate the rich legacy of people of African descent to the development of the countries. (GRULAC)

15. Reaffirmed the (human) right of people of African descent (rights of persons belonging to African descent, Japan) to their own culture and identity, to equal participation in economic and social life, to the use and conservation of natural resources within their ancestral lands and the free practice of traditional African religions." (GRULAC) (para 34 of DDPA, Uruguay, Morocco, Pakistan, South Africa, Brazil): (Reaffirms their rights to their culture and their own identity; to participate freely and in equal conditions in political, social, economic and cultural life; to keep, maintain and foster their own forms of organisation, their mode of life, culture, traditions, and religious expressions; to the use,

enjoyment and conservation of the natural renewable resources of their habitat; and where applicable to their ancestrally inhabited land.)

16. Reparations to restore the dignity of People of African Descent in terms of mitigating their economic, social and cultural marginalization. (African Group)

b) Justice

16. The notion of justice recognizes that people of African descent have historically been and continue to be victims of violations of their human rights. It is therefore necessary to ensure the full and effective implementation of relevant human rights instruments; combat the widespread impunity for manifestations and practices of racism and racial discrimination against people of African descent and ensure equal access to justice and equal protection of the law at all stages of law enforcement, from interaction with the police, to presentation of court cases and sentencing. (WGPAD)

17. Reparations to restore the dignity of People of African Descent in terms of mitigating their economic, social and cultural marginalization. (African Group)

c) Development

18. Development for people of African descent should be considered firstly the role that people of African descent have played in global development must be recognized both in terms of the contribution that the African continent has historically made to worldwide development, including during the transatlantic slave trade, and the contributions that Africans and the African diaspora have made and continue to make to the development of nations. Secondly, in a period of economic and financial crisis, a human rights-based approach (respect for human rights, USA) should be integrated into all development activities where the realization of rights including the fight against poverty and access to education, health, employment and political participation are the goals of development. (WGPAD)

IV. Objectives:

19. Non-discrimination and equality before and of the law constitute fundamental principles of international human rights law and underpin the Universal Declaration of Human Rights and the main international human rights treaties and instruments. As such the main objective of the Decade should be to promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights. (suggested deletion from here onwards, USA) This main objective can be achieved through the effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, (and through the universal accession to or ratification of and full implementation of obligations arising under the) (Algeria, Morocco, EU, Brazil) to the International Convention on the Elimination of All Forms of Racial Discrimination and , and other relevant international and regional human rights instruments. (SG report) (maintain para, Algeria, African Group, South Africa)

20. The Decade can focus on the following specific objectives:

(a) To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation (full participation on an equal basis, USA); (maintain text, Rwanda, Africa Group, Pakistan) in all aspects of society; (SG report)

(b) To promote a greater knowledge of and respect for their diverse heritage, culture and contribution to the development of societies; (SG report)

(c) To adopt, strengthen and effectively implement international, regional and national legal frameworks against racism, racial discrimination, xenophobia and related intolerance, ("putting a particular emphasis on the need for universal accession to and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination worldwide." EU); (move to para 19, Algeria)

(d) As recommended by the Committee on the Elimination of Racial Discrimination and the Working Group of Experts on People of African descent (and the Secretary General, Brazil) through the adoption of a United Nations declaration on the promotion and full respect of the human rights of people of African descent." (SG report) (suggested deletion of the para, USA, EU; maintain issue of declaration, Algeria), (to transfer this para under International level, Brazil); ("to introduce new legal frameworks for strengthening promotion and protection of rights of people of African descent", Pakistan, considered by African Group)

V. Practical steps or activities to be taken to make the Decade effective (delete "to make the decade effective", USA; SA reserves its position)

A) National level

21. Member states should take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, by, inter alia:

- a) Celebrating the Launch of the Decade and deciding on their own Programmes of Action for the full and effective implementation of the Decade; (African Group)
- b) Taking real, practical steps in all countries, in law and in policy, to confront racism and racial discrimination. (USA)
- c) Implementing public policies of non-discrimination and social, cultural, economic and political inclusion of people of African descent, including through affirmative action." (GRULAC)
- d) Developing national strategies and to enhance coordination of regional and international policies aimed at the full and unconditional elimination of racism and all forms of discrimination." (GRULAC)
- e) Gathering information, including disaggregated data, in order to increase the visibility of people of African descent and identify social gaps; (GRULAC)
- f) Adopting, implementing and strengthening projects, policies, programmes and national action plans against racism and racial discrimination." (EU)
- g) Adopting a legal framework to fight racism and to promote relevant measures and policies; (GRULAC)
- h) Establishing national institutions with a view to formulating and implementing policies to fight racism and promote racial equality; (Brazil)

- i) Establishing national mechanisms for the promotion of racial equality and for the promotion of best practices.” (EU)
- j) Creating national and local councils, with the participation of civil society; (Brazil)
- k) Establishing or strengthening of a national ombudsman; (Brazil)
- l) Introducing measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice; designing, implementing and enforcing effective measures to eliminate the phenomenon known as “racial profiling”; (SG report, NGO: Committee for the respect of African peoples Charter)
- m) Organizing national conferences, with the participation of both government and civil society representatives; (Brazil)
- n) Establishing of national systems for the management and evaluation of policies to fight racism and promote racial equality; (Brazil)
- o) Promoting of greater knowledge of and respect for people of African descent’s culture and history, including through research and education; (Brazil)
- p) Investigating and punishing of those responsible for racist and discriminatory actions; (Brazil)
- q) Implementing actions to protect ancestral groups of people of African descent, such as Quilombola communities.” (Brazil)”
- r) Sensitizing people of African Descent and the wider society of their rights, and raise awareness raising about the equality and non-discrimination” (EU)
- s) Providing training for relevant national institutions to ensure that their work addresses racial discrimination.” (EU)
- t) Providing training and capacity-building for national human rights institutions and governmental bodies to ensure that their work addresses racial discrimination and issues affecting people of African descent; (SG report, NGO: Committee for the respect of African peoples Charter)
- u) Adopting special measures, including affirmative action to reduce and provide remedy to disparities and inequalities resulting from historical circumstances; (GRULAC)
- v) Adopting measures to implement the right to development of people of African descent, taking into account economic factors; (GRULAC)
- w) Adopting and implementing legislation, policies and programs to ensure effective protection of people of African descent subject to multiple or aggravated forms of discrimination based on gender, language, religion, political or other opinion, social origin, property, birth or other status.” (GRULAC)
- x) Adopting and implementing laws and policies which provide effective protection for and review and repeal all policies and laws that could negatively affect people of African descent facing multiple of aggravated forms of discrimination. (WGPAD)
- y) Mainstreaming a gender perspective in designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent (WGPAD). Ensuring adequate access to maternal health care.” (African Group)

22. The general public, including civil society actors, non-governmental organizations, workers’ and employers’ organizations, the mass media, religious and community organizations, the family, education centres and others should be mobilized and invited to take an active part in the activities of the Decade and in achieving its goals. (SG report)

B) Regional and international level

23. The international and regional organizations (also reflect collective work of states, Japan, language can be modified, "at the international and regional levels, highest priority should to be given..."; Pakistan, Morocco) (maintaining title, Ecuador; maintain institutional framework in the context of regional and international organizations, Algeria) should continue to give the highest priority to programmes for combating racism and racial discrimination directed towards people of African descent, among others they should:

- a) Continue underlining the key role of ICERD. In combatting racism, racial discrimination, xenophobia and related intolerance, and the need for its universal accession and its full implementation. (EU, USA) (use DDPA language as in its para 19 South Africa, Algeria, opposed by USA) Underline the key role of ICERD. Call for universal accession and full and effective implementation. (EU)
- b) ("Take measures to"; EU) Raise awareness about the Decade at the regional and international level. (EU)
- c) Disseminate DDPA (add "widely at national, regional and international levels"; Pakistan) (Dutch NGO, Barryl Biekman) (not necessary, USA)
- d) Regions hosting people of African Descent should (delete preceding part, USA, EU) ("All regions should"; Pakistan, considered by South Africa) hold (add "regional"; USA) conferences bearing in mind the Theme of the Decade; and (African Group)
- e) Create an Observatory of Statistical Data On People of African Descent (at regional and international levels, Mexico) in Latin America and the Caribbean, of a Center of Historical Memory in the region, as well as of the Latin American Fund for People of African Descent. (GRULAC) (specifically linked only to one region, USA, EU) (place as an example or take note of it, Brazil; appreciate, acknowledge as a positive step, Pakistan) ("consider initiatives such as Observatory of Statistical Data On People of African Descent as well as of the Latin American Fund for People of African Descent"; USA), (maintain as an example, Ecuador, South Africa, Honduras)
- f) Ensure the participation and consultation of (NGOs and other stakeholders, Morocco) civil society (delete here onwards, South Africa) (add "UN member states, experts and scholars"; China) (add "other stakeholders"; Mexico), in particular (add "to including"; USA) those led and organized by people of African descent. (EU)

24. The General Assembly may consider (reconsider language, South Africa):

- a) Officially launching of the Decade under the auspices of the PGA (role of PGA?, USA) (or auspices of the SG, Pakistan) before the end of the 68th Session on the UNGA, in the context of the UNGA Plenary; (African Group) (separate part on process, Brazil)
- b) Appointing the OHCHR as focal point for the implementation of the decade within existing resources. (EU) (combine (b) and (c)?, USA), (give mandate to HC, prefer proposal of SG Report, Brazil), (delete b, prefer maintaining (c), South Africa), (support the idea of one para, HC appointed as coordinator and OHCHR set up a project to assist to fund programme and activities of the Decade, Pakistan), (maintain "within existing resources, flexible on combining (b) and (c), EU), (support Brazil and South Africa; not on within existing resources, Cuba), (prefer para (c), Algeria),

(find better wording "the Decade must be well-resourced/ Relevant funding provided for", South Africa)

- c) Appointing the United Nations High Commissioner for Human Rights to act as Coordinator of the Decade, in order to follow up on the implementation of the activities foreseen in the Decade; (SG report)
- d) Requesting the Secretary-General (change SG with HC, USA) to present a progress report on the implementation of these provisions to the General Assembly biannually, taking into account information and views provided by States, relevant human rights treaty monitoring bodies, special procedures of the Human Rights Council and other mechanisms of the United Nations, international, regional and non-governmental organizations, including organizations of people of African descent, and national human rights institutions;
- e) Ensuring that the UN Post-2015 Development Agenda incorporate goals and objectives aimed at the elimination of racism, racial discrimination, xenophobia, and related intolerance. (GRULAC) ("takes into account goals and objectives", EU, similar concern suggest less prescriptive language, USA), ("recommending/encouraging" or other suggestions, Brazil, supported by Pakistan, Algeria, Honduras supports "encourages"). ("due consideration be given to the elimination of racism, racial discrimination, xenophobia, in the elaboration of goals and objectives of the UN post 2015 development agenda", South Africa), (agreed language (as in the IP declaration) in many resolutions which should be used, Mexico)
- f) Requesting the Department of Public Information of the Secretariat and regional organizations to launch an awareness-raising campaign to inform the general public of the histories, contribution, contemporary experiences and human rights situation of people of African descent; (SG report)
- g) Inviting regional organizations, the specialized agencies, the United Nations programmes, funds and offices to develop global studies and to report, regarding the themes of the Decade. The organizations will include the following: the Food and Agriculture Organization of the United Nations, the World Bank Group, the International Labour Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the regional commissions, the United Nations Development Programme, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights. Such studies could be used to inform a mid-term review of the Decade to monitor the progress made, share learning practices between key actors and inform plans and policies for the remaining five years of the Decade and beyond; (SG report, CERD, WGPAD)
- h) Inviting UN entities and regional organizations to raise awareness about the decade and the problems faced by people of African descent and take this decade into account in their activity planning. (EU, SG report and WGPAD)
- i) Underlining the paramount importance of cooperation and coordination between UN entities, regional organizations, civil society and other relevant stakeholders on the decade. (EU)
- j) Inviting the Office of the High Commissioner for Human Rights to continue its fellowship programme for people of African descent during the Decade; (SG report, WGPAD)
- k) Requesting Member States to consider the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent; (GRULAC, SG report, CERD and WGPAD)

- l) Need an international instrument on People of African Descent to be finalized within the Decade and undertaken in accordance with operative paragraph 179 of the DDPA. (African Group)
- m) Skeptical of proposals to create new instruments rather than focusing on implementation of existing ones such as the CERD (USA and EU)
- n) Requesting the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination in collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to draft an Optional Protocol to International Convention on the Elimination of All Forms of Racial Discrimination and to set up an open-ended inter-governmental working group to finalize the draft Optional Protocol to ICERD which would be presented to the Human Rights Council." (Pakistan)
- o) Establishing, as a result of the Decade, a United Nations permanent forum for people of African descent to serve as a consultation mechanism for representative organizations of people of African descent and other interested stakeholders; (GRULAC, African Group, SG report and WGPAD)
- p) Encouraging voluntary contributions to fund the activities of the decade. (EU)
- q) Calling by the General Assembly to allocate "predictable funding from the regular budget and extrabudgetary resources of the UN for the effective implementation of the programme of action and activities under the International Decade (NGOs: World Against Racism Network (WARN) and International Youth and Student Movement for the United Nations (ISMUN)
- r) Requesting the United Nations High Commissioner for Human Rights to establish a project for the International Decade for People of African Descent to assist the funding of projects and programmes which promote the goals of the Decade and the participation of people of African descent. (SG report)
- s) Keeping the decade under review and foresee a midterm evaluation as well as a final assessment, while avoiding the creation of new mechanisms." (EU)
- t) Convening of the Mid-Term Review. Member states should be afforded an opportunity to offer to host the Mid-Term Review {Not in the context of Geneva or the GA}. (African Group). The Mid-Term Review will take stock of progress made and decide on further actions; (African Group)
- u) Organizing an international conference marking the closure of the International Decade on People of African Descent. The conference will decide on further actions and initiatives beyond the Decade; (African Group)
- v) Building a memorial to honor the memory of the victims of slavery and the transatlantic slave trade. (EU and African Group) to be completed and inaugurated before the Mid-Term Review in 2020. (African Group)

