

DRAFT PROGRAMME OF ACTIVITIES FOR THE INTERNATIONAL DECADE FOR PEOPLE OF AFRICAN DESCENT

Draft Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

(IGWG 16/04/14, fifth draft)

The IGWG submits this report as requested by the General Assembly 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).

The Human Rights Council in its resolution 25/33 entitled "International Decade for People of African Descent" requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) to dedicate its Programme of Work during its 12th session for purposes of elaborating a Programme of activities for the implementation of the International Decade for People of African Descent.

To this effect the IGWG submits the present report, which identifies objectives and concrete activities to be taken at the national, regional and international levels during the International Decade for People of African Descent. The report is based on contributions received by Member States and other stakeholders during the 12th session of the IGWG. It draws on the contributions presented by the WGPAD, the SG and CERD, and the IGWG takes notes with appreciation of the undertaken by the WGPAD and by the Secretary-General in their respective reports on the International Decade for people of African descent. The content of the draft programme of activities is firmly anchored in the Durban Declaration and Programme of Action, the Outcome document of the Durban Review Conference, the Political Declaration of the Tenth Anniversary of the DDPA, and the International Convention on the Elimination of All Forms of Racial Discrimination, among other important human rights instruments.

I. Background

The International Decade for people of African descent to be observed 2015-2024 constitutes an auspicious period of history when the United Nations, Member States, civil society and all other relevant actors join together with people of African descent to provide effective measures for the implementation of this programme of activities in the spirit of recognition, justice and development. The Programme of Activities recognizes that the Durban Declaration and Programme of Action is a comprehensive UN framework and a solid foundation for combating racism, racial discrimination, xenophobia and related intolerance and represent a new phase in the efforts by the United Nations and the international community to restore the rights and dignity of people of African descent.

The implementation of the programme of activities for the International Decade of the full and effective implementation of the Durban Declaration and Programme of Action and compliance with the ICERD, as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance and thus important synergies be achieved through the International Decade in the combat against racism, racial discrimination, xenophobia and related intolerance.

The Durban Declaration and Programme of Action acknowledged that people of African descent were victims of slavery, the slave trade and colonialism and continue to be victims of their consequences. The Durban process raised the visibility of people of African descent and contributed to the substantive advancement in the promotion and protection of their rights, as a result of concrete actions taken by States, the United Nations, other international and regional bodies and civil society.

Regrettably, despite these advances, racism and racial discrimination, both direct and indirect, de facto and de jure continue to manifest themselves in inequality and disadvantage. People of African descent throughout the world, whether as descendants of the victims of the transatlantic slave trade or as more recent migrants, make up some of the poorest and most marginalized groups. Studies and findings by international and national bodies demonstrate that people of African descent still have limited access to quality education and health services, housing and social security. But their situation in many cases remains largely invisible and insufficient recognition and respect has been given to the efforts of PAD to seek redress for their present conditions. People of African descent too often experience discrimination in access to justice and face alarmingly high rates of police violence along with racial profiling. Further, they often have low levels of political participation, both in terms of voting and in occupying political positions.

People of African descent can suffer multiple, aggravated, and intersecting forms of discrimination based on other related grounds such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth, or other status.

The promotion and protection of human rights of PAD should be a priority concern for the United Nations and the international Decade for PAD is a timely and important initiative. The Decade represents a unique opportunity to underline the important contribution made by PAD to our societies and to propose concrete measures to promote the full inclusion of PAD and combat racism, racial discrimination, xenophobia and related intolerance.

II. Theme

As proclaimed by the General Assembly in its resolution A/68/237 "People of African descent: recognition, justice and development" is the theme for the Decade.

III. Objectives

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. 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 International Convention on the Elimination of All Forms of Racial Discrimination and, and other relevant international and regional human rights instruments.

The Decade shall focus on the following specific objectives, which include:

- (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 ~~[replace with "participation in an equal basis", USA]~~, in all aspects of society;
- (b) To promote a greater knowledge of and respect for the diverse heritage, culture, and contribution by people of African descent to the development of societies;
- (c) To adopt, strengthen and effectively implement national, regional and international legal frameworks in order to ensure the full and effective implementation of ~~[replace with "such as", EU]~~ ~~[maintain text, "in line with", Algeria, South Africa]~~ ~~[in accordance with, Mexico]~~ the DDPA and the ICERD.

IV. Concrete activities to be taken during the Decade

A) National level

States should take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, taking into account the particular situation of women, girls and young males and they should, inter alia:

1. Recognition

a) The right to Equality and non-discrimination

Taking concrete and practical steps in all countries through the adoption and effective implementation of national and international legal framework, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent by ~~[delete text, EU]~~:

- Removing all obstacles that prevent their equal enjoyment ~~[change language, USA]~~ cultural, civil and political rights;

- ~~[insert 'Promoting the effective implementation of the national and international legal framework', EU]~~
- Undertaking a comprehensive review of domestic legislation, with a view to identifying and abolishing provisions that entail direct or indirect discrimination, and adopting comprehensive anti-discrimination legislation ensuring its effective enforcement.
- Providing effective protection for and review and repeal all laws that could negatively affect people of African descent facing multiple of aggravated forms of discrimination. ~~[delete text/replace 'negatively effect by discriminate', EU]~~
- Adopting, implementing and strengthening policies, programmes and projects ~~['and national action plans to combat racism, racial discrimination, xenophobia and related intolerance', EU]~~ designed to ensure ~~['thereby ensuring', EU]~~ full and equal enjoyment of human rights and fundamental freedoms by people of African descent, ~~['insert 'Such measures should take into account a gender perspective', EU]~~ including national action plans against racial discrimination which apply a gender perspective;
- ~~['insert 'Establishing or strengthening national mechanisms or institutions with a view to formulating, monitoring and implementing policies to fight racism and promote racial equality, with the participation of civil society representatives', Brazil, Uruguay, Argentina, Ecuador]~~
- As appropriate, establishing and/or strengthening, independent national human rights institutions, in conformity with Paris Principles, and or similar mechanisms with the participation of civil society, and to provide them with adequate financial resources, competence and capacity for protection, promotion, and monitoring to combat these phenomena; and

b) Education on equality and awareness-raising

~~[insert role of leaders, Tunisia]~~

- i. Celebrating the Launch of the Decade at the national level and deciding on ~~[national programmes of action, EU]~~ their own Programmes of Action for the full and effective implementation of the Decade;
- ii. Organizing national conferences and other events aimed at triggering an open debate and raising awareness on the fight against racism, racial discrimination, xenophobia and related intolerance, with the participation of both government and civil society representatives, including victim communities ~~[replace: 'including individuals or groups of individuals who are victims', EU]~~ and all relevant stakeholders; ~~[should be recurring activity, Tunisia]~~
- iii. Promoting of greater knowledge of, recognition of and respect for people of African descent's culture, history and heritage, including through research and education; promoting full and accurate inclusion of the history and contribution of people of African descent in the education curricula;
- iv. Raising awareness through information and education measures with a view to restoring the dignity of people of African descent and consider making available support for such activities to NGOs;
- v. Supporting education and training initiatives for NGOs and PAD ~~[insert: 'about human rights of people of African descent', EU]~~ in the use of the tools provided by international human rights instruments related to racism, racial discrimination, xenophobia and related intolerance;

- vi. Enhancing knowledge of ~~[insert 'slavery, slave trade, trans-Atlantic slave trade through research', EU]~~ respective countries of the role of slavery and trans-Atlantic slave trade through supporting research and educational initiatives and giving recognition to the victims and their descendants through establishment of memorials in countries that benefited ~~['concerned countries', delete 'benefited', EU]~~ ~~[maintain 'benefited', Jamaica, South Africa]~~ from the ~~[insert 'slavery', South Africa]~~ Trans-Atlantic slave trade and ~~[insert "departure and", Mexico]~~ arrival point sites of memory in countries where Africans were relocated and protecting related cultural sites;

c) Information gathering

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

- i. Collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of PAD who are victims of racism, racial discrimination, xenophobia and related intolerance;
- ii. Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;
- iii. The information should be collected to monitoring ~~[replace with 'monitor', EU]~~ the situation of PAD, assess progress made, increase their visibility, and identify social gaps. It should ~~[replace with 'could', EU]~~ also be used as a tool ~~[delete 'as a tool' and replace with 'be used to develop and evaluate', EU]~~ for the development and evaluation ~~[insert 'measures', EU]~~ of legislation ~~[delete 'legislation, EU]~~, policies ~~[delete 'policies', EU]~~ to combat ~~[insert 'racism', EU]~~ racial discrimination ~~[insert xenophobia and related intolerance', EU]~~.

d) Participation and inclusion

Adopting measures to enable full and effective participation of all ~~[insert 'citizens including', EU]~~ people of African descent in public and ~~[insert 'as applicable', Brazil, Iran, Ecuador]~~ political affairs without discrimination. ~~[do not agree to EU proposal in the text, Uruguay, Brazil, Argentina]~~

2. Justice

a) Access to justice

- i. 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” [~~insert ‘including with regard to PAD’; delete rest of the text, EU~~] while not expressly provided for, directly and disproportionately affects PAD;
- ii. [~~insert ‘Ensure that’, South Africa~~] Assuring for [~~delete ‘assuring for’, South Africa~~] people of African descent [~~insert ‘have full access to’, South Africa~~] effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination;¹ (DDPA language)
 - iii. [~~insert ‘Considering’, EU~~] Criminalizing [~~replace with ‘Combating’, Japan~~] all acts of racism in particular [~~delete ‘in particular’, Japan~~] [~~insert ‘including by giving due consideration to the problem of’, Japan~~] the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, violence or incitement to racial violence, but also racist propaganda activities and participation in racist organizations. States are also encouraged to [~~insert ‘to ensure so that such motivations are considered an aggravating factor for the purpose of sentencing’, Japan~~] incorporate a provision in their criminal legislation to the effect that committing offences for racial reasons generally constitutes an aggravating circumstance;² (DDPA language)
 - iv. Facilitating access to justice for people of African descent who are victims of racism, by supplying [~~insert ‘legal assistance’, Algeria, Argentina, Ecuador~~] the requisite legal information about their rights;
 - v. Taking the necessary steps to prevent questioning, arrests and searches which are in reality based solely on the physical appearance of people of African descent, or any profiling which exposes them to greater suspicion. To that end, it is vital both to modify institutionalized stereotypes concerning people of African descent and to apply appropriate sanctions against law enforcements officials who act on the basis of racial profiles; (WGPAD) [~~merge sub-para with (i), EU~~]
 - vi. Preventing and punishing violence, acts of torture, cruel, inhuman or degrading treatment and all violations of human rights affecting people of African descent which are committed by State officials; (DDPA language) [~~delete ‘state officials’, alt language, Tunisia~~]
 - vii. Ensuring that people of African descent, like all other persons, enjoy all the guarantees of a fair trial and equality before the law, as enshrined in the relevant international human rights instruments and specifically the right to presumption of innocence, the right to assistance of counsel and to an interpreter; the right to an independent and impartial tribunal and guarantees of fair punishment and the enjoyment of all the rights to which prisoners are entitled under the relevant international norms. (CERD)
 - viii. Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, [~~insert ‘colonialism’, Algeria, Venezuela~~] apartheid, genocide and past tragedies and noting that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed calls on those that have not yet expressed remorse or presented apologies to find some way to contribute to the restoration of the dignity of victims. (DDPA language ;

¹ Art. 6 of the International Convention on the Elimination of All Forms of Racial Discrimination,

² Ibid, art. 4.

- ix. With a view to closing those dark chapters in history and as a means of reconciliation and healing, we invite the international community and its members to honour the memory of the victims of these tragedies. We further note that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so; (DDPA language)
- x. We are aware of the moral obligation on the part of all concerned States and call upon these States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices; [~~delete sub-para. EU~~]

b) Special measures

- i. The adoption of special measures, such as affirmative action, where appropriate is essential to alleviating and remedying disparities in the enjoyment of human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent or structural disparities and de facto inequalities resulting from historical circumstances.³ As such States should develop or elaborate national action plans to promote diversity, equality, social justice, equality of opportunity and the participation of all. Through, among other things, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination;⁴ (DDPA language)

3. Development

a) Right to development and measures against poverty

- i. In accordance with the Declaration on the right to development, States should adopt measures aimed at guaranteeing full, active and meaningful participation of PAD in development decision-making, and to benefit equally from development gains.
- ii. Recognizing that poverty is both a cause and a consequence of discrimination, States should adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the specific needs and experiences of people of African descent, and also urges that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes; (DDPA language)
- iii. Implementing actions to protect ancestral groups of people of African descent.
- iv. Considering the rights of people of African descent in the discussion of Post 2015 Development Agenda.

b) Education

³ See general recommendations Nos. 34 and 32 of the Committee on the Elimination of Racial Discrimination, as well as reiterated in observations and recommendations made by the Committee to State parties.

⁴ Durban Programme of Action, para. 99.

- i. States should take all necessary measures to give effect to the right of people of African descent, particularly children and young people, to free primary education and access to all levels and forms of quality public education without discrimination. States should:

- (a) Ensure quality education is accessible and available in areas where communities of African descent live, particularly rural and marginalized communities, with attention to improving the quality of public education;

- (b) Take measures to ensure that public and private education systems do not discriminate against or exclude children of African descent, and that they are protected from direct or indirect discrimination, stigmatization and violence from peers or teachers. To this end, training and sensitization should be provided to teachers and measures should be taken to increase the number of teachers of African descent working in educational institutions;

c) Employment

- i. States should take measures to ensure that people of African descent, including migrant workers, are not subject to discriminatory conditions of labour, and, inter alia, employment or salary.

d) Health

States should take measures to improve access to quality health services to PAD

e) Housing

- i. Recognizing the poor and insecure housing conditions in which many people of African descent live, States should develop and implement policies and projects aimed at ensuring they gain and sustain a safe and secure home and community in which to live in peace and dignity. (WGPAD)

4. Multiple or aggravated discrimination

- i. Adopting and implementing, policies and programmes which provide effective protection for and review and repeal all policies and laws that could negatively affect people of African descent facing multiple or aggravated forms of discrimination based on related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status deriving from the Durban Declaration and Programme of Action;
- ii. 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, including in the area of sexual and reproductive rights and ensuring adequate access to maternal health care.

B) Regional and international level

23. The international community, international and regional organizations, in particular relevant United Nations programmes, funds, specialized agencies and other bodies; international financial and development institutions; regional organizations and other international mechanisms within their areas competence should give the highest priority ~~[replace with "prioritize", Switzerland]~~ to programmes and projects specifically tailored for combating racism and racial discrimination against people of African descent, taking fully into account the Durban Declaration and Programme of Action (DDPA), the Outcome document of the Durban Review Conference, the International Convention on the Elimination of All Forms of Racial Discrimination and the Political Declaration on the Tenth Anniversary of the DDPA, and among others they should: ~~[insert ICERD first in order, EU]~~ ~~[maintain same order, Brazil, South Africa, Algeria]~~

- a) Take measures to raise awareness about the International Decade, including through awareness raising campaigns, and organizing and supporting other activities, bearing in mind the Theme of the Decade,
- b) Disseminate widely the Durban Declaration and Programme of Action and the Outcome document of the Durban Review Conference, ~~[insert "and the Tenth Anniversary on the DDPA", South Africa]~~ ~~[delete text, USA]~~ ~~[maintain text, Brazil]~~
- c) Assist States in the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and in ratifying or acceding to the Convention, with a view to attain its universal ratification,
- d) Adopt human rights-based development programmes ~~[reformulate "incorporate human rights into development programmes", USA, Brazil, Japan]~~ ~~[maintain text, Switzerland]~~ including in the areas of access to education, employment, health, housing, land and labour,
- e) Assign particular priority to the projects devoted to the collection of statistical data,
- f) Support initiatives and projects aimed at honouring and preserving the historical memory of people of African descent,
- g) Use the Decade as an opportunity to engage with people of African descent on issues of their concerns and to this end, ensure the participation of, and consultation with NGOs, other stakeholders and civil society at large, and
- h) Urges relevant United Nations organs, programmes and specialized agencies, in planning activities for the Decade, to examine how existing programmes and resources might be utilized to benefit people of African descent more effectively.

24. Other steps and measures to be taken are as follows:

- a) 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 in the framework of the Decade;
- b) Requesting the Secretary-General to present annually a progress report on the implementation of activities of the Decade, taking into account information and views provided by States, relevant human rights bodies, organs and mechanisms of the United Nations, specialized agencies, funds and programmes; international, regional, sub-regional and non-governmental organizations, including organizations of people of African descent, national human rights institutions and other stakeholders;
- c) ~~[incorporating]~~ ~~[replace with "taking into account", USA, EU, Brazil]~~ the goals and objectives aimed at the elimination of racism, racial discrimination, xenophobia, and related

intolerance against people of African descent in the discussion of the United Nations development agenda beyond 2015.

d) Requesting the Department of Public Information, in collaboration with UNESCO, the OHCHR, and regional and sub-regional organizations to launch an awareness-raising campaign to inform the general public of the histories, contributions, including to the global development, challenges, contemporary experiences and human rights situation of people of African descent.

e) Encouraging issuance of a stamp by the United Nations postal administration on International Decade for people of African descent,

f) Inviting regional and sub-regional organizations, the specialized agencies, the United Nations programmes, funds and offices to develop global studies, in their respective areas of competency and expertise, and to report on the themes of the Decade. Such studies could be used to inform a mid-term review of the Decade to monitor the progress made, share learning practices among key actors and inform plans and policies for the remaining five years of the Decade and beyond;

g) Requesting the Office of the High Commissioner for Human Rights to continue and strengthen its fellowship programme for people of African descent during the Decade;

h) Requesting the Office of the High Commissioner for Human Rights to include a section on the Anti-discrimination Database on the International Decade for people of African descent,

i) Requesting the Working Group of Experts on people of African descent ~~[replace with "Ad Hoc Committee, with the inputs of other UN bodies and Durban follow up mechanisms, Brazil, Mexico] [not "WGPAID", Switzerland]~~ to prepare elements for the attention of the Member States for their further consideration with an aim to elaborate the draft UN declaration on the promotion and full respect of human rights of people of African descent

j) Establishing a United Nations forum on people of African Descent to serve as a consultation mechanism and with a view to achieving better synergy, coordination, complementarity and coherence in the work of Durban follow-up and with other relevant United Nations mechanisms on issues of people of African descent.

k) Requesting the United Nations High Commissioner for Human Rights, to further increase and strengthen support to the relevant mechanisms of the Human Rights Council in combating racism, racial discrimination, xenophobia and related intolerance in the context of the Decade.

l) Requesting the Secretary-General to ~~revitalize a Trust Fund [clarify further, South Africa]~~ and encouraging all governments, intergovernmental and non-governmental organizations, private institutions and individuals as well as other donors in a position to do so, to contribute generously to the Trust Fund for the programme for the International Decade with a view to contribute to its successful implementation,

m) Requesting the Secretary-General to accord high priority in executing the programme of activities for the Decade and requesting him to provide predictable sufficient resources for its effective implementation.

n) Keeping the decade under review and foresee a midterm evaluation to take stock on progress made and decide on further necessary actions. The final assessment of the Decade should be done within the framework of a high-level international event.

o) Ensuring the finalisation and inauguration before the Mid-Term Review in 2020 of a permanent memorial at the United Nations headquarters in NY to honour the memory of victims of slavery and trans-Atlantic slave trade before the Mid-Term Review in 2020.