

UNEDITED VERSION

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 78TH SESSION 14 February – 11 March 2011

Report of the Day of Thematic Discussion on Racial Discrimination against People of African Descent 7 March 2011

I. INTRODUCTION

1. On 7 March 2011, the Committee on the Elimination of Racial Discrimination (CERD) held a day of thematic discussion on racial discrimination against people of African descent (PAD). The day aimed at enhancing understanding of the causes and consequences of racial discrimination against PAD through an exchange of relevant information and an examination of the advances, challenges, and lessons learned in this regard with relevant stakeholders. The day was also an initiative to raise awareness of the human rights situation of people of African descent, as well as of the work of relevant organizations engaged in improving the human rights situation of PAD around the globe. Finally, the day was as a response by the Committee to the call made by the Secretary General in the launch of the International Year for People of African Descent to contribute initiatives to the success of the Year.

2. Attendees to the day of thematic discussion included representatives from non-governmental organizations (NGOs), international organizations, academia, as well as interested individuals. Representatives from permanent missions to the United Nations Office at Geneva also participated. Prior to the event, an email address (participatenow@ohchr.org) was set up to receive contributions, questions and comments with regard to the discussion and received comments from NGOs and individuals. Written reports for the day of discussion were also solicited by the Committee and submitted in advance by civil society groups for consideration by the Committee. These reports are available in the Committee's webpage.

3. The following panellists made presentations during the morning of the day of general discussion (in speaking order):

- Opening remarks by Ms. Navi Pillay, High Commissioner for Human Rights
- Mr. Anwar Kemal, Chair, Committee on the Elimination of Racial Discrimination
- Mr. Pastor Murillo, Expert, Committee on the Elimination of Racial Discrimination
- Mr. Patrick Thornberry, Expert, Committee on the Elimination Of Racial Discrimination
- Ms. Mirjana Najcevska , Chair of the Working Group of Experts on PAD
- Ms. Gay McDougall, Independent Expert on minority issues
- Mr. Ali Moussa Iye, Chief , Intercultural Dialogue Section, Division of Cultural Policies and Intercultural Dialogue, UNESCO
- Mr. Carlos Quesada , Regional Director, Latin America, Global Rights
- Ms. Fabiana del Popolo, Population Expert, Population Division, Economic Commission for Latin America and the Caribbean
- Ms. Verene Shepherd, Expert, Working Group of Experts on People of African Descent
- Ms. Suzanne Mbiye Diku, Member of the Board, Black European Women's Council
- Ms. Alice Edwards, Senior Legal Advisor, Department of International Protection, UNHCR
- Ms. Moya Teklu, Advice Council, African Canadian Legal Clinic

II. Main points raised by the panel presentations

4. The High Commissioner for Human Rights, Navanethem Pillay, opened the discussion by highlighting that 2011, the International Year for People of African Descent was meant to achieve, among others, the recognition of their role in global development and encourage the creation of strategies to ensure equality and eliminate discrimination against PAD who continue to face challenges in the realization of their human rights, including their right to quality

education and training, the right to access to public health and medical services, the right to work and to representation in public office.

5. The opening remarks by the High Commissioner were followed by Mr. Kemal, who noted that in spite of the considerable progress against racial discrimination, PAD still suffer from persistent, systemic discrimination and invited everyone to reflect on the African philosophical ethic of ubuntu when thinking of strategies to eliminate racial discrimination, noting that the values underlying ubuntu like solidarity, compassion, respect, human dignity and general humanness are all central to the elimination of racial discrimination in all its forms.

6. Following the opening remarks of Mr. Kemal, Mr. Murillo, made a short introduction to the day outlining the programme and modalities for the discussion. He introduced the five themes:

- a. People of African Descent and the international human rights mechanisms: challenges and achievements;
- b. History and effects of the transatlantic slave trade on people of African descent;
- c. Current socioeconomic situations and issues of social inclusion relating to people of African descent;
- d. Women of African descent;
- e. People of African Descent of more recent migration from Africa.

7. Mr. Thornberry, the first speaker of the segment on people of African descent and the international human rights mechanisms: challenges and achievements stated that ICERD, the earliest of the United Nations Human Rights core treaties, had been drafted to combat doctrines and practices of racial discrimination. He highlighted the third World Conference on Racism, in Durban 2001 and its Programme of Action as critical with regard to people of African descent. The work and concerns of the Committee in appraising racial discrimination have been included under discrimination based on descent in a racial context and have long been addressed by the Committee. Mr. Thornberry stressed that evidence of positive change existed, including a recognition of the contribution of PAD to social building as well as the richness, variety and

benefits to all humanity thanks to people of African descent. In spite of this, he argued that structural discrimination through discriminatory systems and structures remained a problem. He referred to common concerns of the Committee with regard to people of African descent, and these included the rights to employment, health care and social security, racial profiling and the administration of justice, hate speech, and racism in sports. The Committee had often recommended to relevant States parties to develop and implement plans, programmes and strategies, including special measures and affirmative action. He stressed that the Committee had seen greater emphasis of the rights of PAD in Latin America and that there, questions of collective land ownership were often posed. The Committee had various general recommendations on which it could model a new one on the realities of people of African descent, including its general recommendations No. 29 on article 1(1) regarding descent, No. 25 on discrimination against women, and No. 26 on the Roma population. He encouraged participants to think about the possible added value of coming up with such a recommendation and stressed that it would serve to raise awareness, draw attention of States parties, encourage better data collection and analysis, and serve as a benchmark for States parties and civil society.

8. Following Mr. Thornberry, Ms. Najcesvka highlighted racism directed towards PAD as one of the most obstinate forms of racism, which continued to have huge implications to PAD in the diaspora as well as to all African people. She outlined that international human rights mechanism played a dual role regarding PAD. On one hand, they are one of the most powerful tools to combat racial discrimination and highlighted the role of the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the World Conference against racism, racial discrimination, xenophobia and related intolerance and its programme of action. She stressed the growing interest among PAD to make the best use of international law and international mechanisms to advance racial equality and their rights. In spite of the positive impact that human rights mechanisms have had, she highlighted remaining issues to be taken into account, including the fact that implementation was often insufficient in practice and results had often not been adequately measured. She stressed that recognition of PAD, including firstly by PAD themselves, was a pre-condition for international human rights mechanisms to be useful. She raised the problem of invisibility of PAD, which is particularly linked to the lack of sufficient statistical data across the globe. The fact that many PAD still were invisible as a minority group meant serious limitations in claiming

their rights from states. She highlighted that a specified human rights approach related to PAD was needed in order to further the implementation of existing general mechanisms and to combat discrimination in a targeted manner. She stressed the importance of enabling and promoting systematic positive action and the role that international mechanisms play in this regard.

9. The floor was then given to Ms. McDougall, who said that engagement between PAD in the diaspora and the United Nations (UN) went back to the beginning of the organization, mostly through participation of African American community leaders. She highlighted that within the UN human rights mechanisms, the third World Conference on Racism in Durban and its outcome document had been the most important, eloquent and comprehensive for addressing the realities of people of African descent. She stressed the importance of the process itself, which reunited and empowered the global diaspora and noted that due to the momentum gained through the process, new data and perspectives to promote and protect the rights of persons of African descent were available, of which the most important was the Working Group of Experts on People of African Descent. Ms. MacDougall stressed that the work of the Mandate on Minority Issues, established in 2005 had also advanced the UN institutional understanding of PAD as minorities in certain regions of the world. Through the perspective of exclusion of Afrodescendant communities, particularly in those countries she had visited, she had examined how discrimination had been internalized into a matter of “dark skin vs. light skin”. She also highlighted that through the Forum on Minority Issues it had been possible to gain an understanding of discrimination against PAD in a broader array of countries and regions. She stressed that critical attention must continue to be given to the right to education, the right to political participation and the right to full participation in economic life and hoped that recommendations from all three Forums be taken into account for this meeting. Although UN mechanisms have advanced our understanding and addressed the concerns of PAD in the diaspora, challenges remain. She highlighted that while there is general agreement that PAD share the common factor and that is the prejudice based on skin color and African origin, it is important to note that PAD worldwide represent a diverse community at different stages of development and with different issues, languages, needs and expectations. Because of the diversity, we must bear in mind their current situations, need for particularity, visibility and disaggregated data collection in the context of diversity of these communities to protect their

rights. She stressed that racism and systemic discrimination in Europe was a serious problem and quoted the 2009 European Union Minorities and Discrimination Study in which Black Europeans reported some of the highest levels of discrimination (40%) including in the workplace and by law enforcement officials. She stated that countries have increasingly adopted anti-discrimination laws, there are very different realities on the ground with regard to international and national standards and that there is a problem of non-implementation and non-enforcement of laws. She stressed the increasing importance of the business sector and said that where racial discrimination sanctions are solely a part of penal laws, they are most ineffective. She encouraged the Committee to reinforce and expand its general recommendation No. 32 on the meaning and scope of special measures in the Convention, and to continue the pursuit of more effective means to fight institutional exclusion, including through results-based affirmative actions.

10. Mr. Moussa Iye then spoke on the theme of history and effects of the transatlantic slave trade on PAD. He stressed that although people of African descent, more than any other human community, have suffered stigmatization and lasting discrimination based on physical appearance they should not be seen as victims all the time. He acknowledged that the consequences of slavery in respect to relationships of domination and dependence have continued and African leaders have not moved away from this. Slaves and their descendants suffered the fracture of their respective societies, exclusion and poverty and were denied reparations. He stressed that psychological effects of theories of racial inequality still remained and discrimination was often seen in sports stadiums. He stressed that the International Year for PAD was an opportunity for going back to the roots of racism to have a better understanding and break the silence and overcome the ignorance or concealment of slavery, in order to achieve mutual understanding and reconciliation. Mr. Moussa Iye also presented the UNESCO documentary “The Slave Route: A Global Vision” presents the diverse histories and heritage of the slave trade and slavery.

11. During the interactive dialogue which took place after the panelists, participants to the event took the floor. Mr. Eibe Riedel, Expert, Committee on Economic, Social and Cultural Rights reiterated his Committee’s willingness to work together in the development of a new general recommendation. He stated that his Committee had also examined the situation of people of African descent, in which multiple and systemic forms of discrimination affected even present day generations who are still affected, specially women and children. Various members of the

Committee then took the floor and commented that discrimination was the single common denominator of people of African descent. They also highlighted the differences between persons of African descent and African origin, particularly in recent times, persons seeking asylum and migrants. Several Committee members highlighted the possibility of drafting a general recommendation on racial discrimination of PAD and made preliminary suggestions for its contents. They also highlighted the need for tools to be able to engage in dialogue with States parties regarding structural discrimination of PAD and the needs for cooperation among human rights mechanisms.

12. The first speaker on the theme of the current socioeconomic situations and issues of social inclusion relating to people of African descent, Mr. Quesada. He spoke of the importance of and changes within the movement of PAD, culminating with the World Conference against Racism in Durban in 2001 and continuing in its aftermath. He highlighted the steps taken in Latin American to implement the Durban declaration and programme of action, including ministries specializing in action against racial discrimination as well as specialized national institutions. He mentioned that although sound legislation to support PAD existed in Latin America, the problem was often their implementation. He reminded participants of the structural discrimination that PAD often faced which impeded their equal access to health, education, employment and other basic facilities. They were also often overrepresented in criminal proceedings but underrepresented in decision-making authorities, he said. He spoke of poverty maps in Latin America which permitted a graphic view of the links that existed between race, poverty and violence. He also stated that affirmative action was needed in the region but that currently, around 15 different definitions of the concept were applied. In his view, permanent collaboration between UN bodies and regional bodies such as the Inter-American Commission on Human Rights were essential. He emphasized the importance of reliable data collection and awareness raising among PAD of the usefulness of survey results to improve living conditions.

13. Ms. del Popolo, outlined the existing gap between policies and their implementation, especially with regard to the treatment of PAD in Latin America. She stressed that numerous organizations in South America were united by their desire to push for the improvement of the livelihoods of PAD and representing their interests. Throughout the work of her office, ECLAC has collected disaggregated data on the ethnic composition of societies across South America, which is a crucial step in addressing racial discrimination. Recently, progress seems to have been

made in the region, and recent censuses, although aimed at identifying indigenous people, have included questions about the identification of PAD too. Nevertheless, the need to clarify distinctions between categorizations used in censuses, i.e., race and ethnic group, still remained. Another important initiative by her office is the training of indigenous people and PAD to utilize the information/database on PAD created. Available information clearly highlights deep inequalities in health and reproductive rights among PAD. Data also evidences very low levels of economic participation by Afro descendant youth, as well as overall lower revenues of PAD than white people in most of South America. Ms. del Popolo recommended that the production of data on PAD be institutionalized and conducted regularly, with a focus allowing for claims on collective rights. She also stressed the need for clear policies based on accurate research which duly reflects the cultural issues facing PAD as well as their gender dimension in order to tackle racial and structural discrimination.

14. In line with the call not to treat PAD in a monolithic manner, Ms. Shepherd speaking on the theme of Women of African descent, highlighted the specific social, economic and political challenges that women of African descent in the Commonwealth Caribbean face. She reminded participants to the event of the link that often exists between race and gender discrimination. She stressed that while much progress had been achieved in Caribbean societies since the fracture caused by conquest, colonization, enslavement and imperial domination, much work was still needed to achieve true recognition, justice and development. She stated that anti-slavery movements had in fact helped the feminist movement develop arguments for female emancipation, as free women saw that slavery paralleled with their own oppression based on gender. On the eve of the one hundredth anniversary of International Women's Day, Ms. Sheperd paid tribute to Caribbean women, outspoken defenders of democracy, justice, human rights and development. Women had clearly played a fundamental role in Caribbean liberation and in the struggle against racial discrimination, she said.

15. Following, Ms. Diku, spoke on the reality of women migrants of African descent in Europe, who were an economic resource thanks to their work, even though in most cases, they were overqualified for the work they carried out. She stated that Black European women faced several challenges to their enjoyment of fundamental rights, equal opportunities, access to resources and the need to eliminate negative stereotypes. She shared that the work of her organization aimed to provide a positive, participatory model for the second and third generations of women of African descent by focusing on women's empowerment and capacity

building and providing training courses. She highlighted that data clearly showed that gender discrimination made migration more difficult for women than men. She outlined that in order to truly integrate women of African descent in Europe, European society had to combat discrimination and exclusion in the work place. Besides being an economic resource, Black European women were also a cultural asset, adding to cultural diversity of Europe.

16. On the theme of PAD of more recent migration from Africa, Ms. Edwards took the floor. She stated that discrimination against refugees of African descent fleeing persecution in their countries was on the rise. She stressed that more restrictive asylum policies in Europe had made it difficult for refugees to gain access to the job market as they were seen more as competitors rather than contributors. The work that UNHCR carried out prioritized the combat against racism, xenophobia and related intolerance against refugees, asylum seekers and stateless persons. Often, she said, the root causes of persecution leading to displacement and statelessness was racial discrimination and xenophobia. Such discriminatory practices, she said, also affected the integration of asylum seekers and refugees into the societies of their host countries. She stated that UNHCR's efforts to combat discrimination had included the development of a strategy outlining an approach to combat racism; the recognition of the risks facing urban refugees through xenophobic violence and continued cooperation with the international human rights mechanisms.

17. Following Ms. Andrews' presentation, Ms. Teklu took the floor highlighting that African migrants, wherever they found themselves, faced considerable challenges. Using data from Canada, Ms. Teklu highlighted the fact that in spite of integrationist policies, Afro-Canadians experience deeper levels of poverty, poor access to health services and education and have difficulties in securing gainful employment commensurate to their qualifications. Today, 59 percent of the Toronto, Canada's poor families came from "racialized" groups with thirty-nine percent of families living below the poverty line being of African heritage and 22 percent of Caribbean descent. She highlighted the need to recognize the credentials of immigrants and described the experience from her country, where it was not clear that the same level of integration achieved by people of Asian descent had been achieved by Afro-descendants. She informed that underemployment and unemployment, as well as problems in retention and promotion of employees evidenced the remaining gaps in equality in employment. This was similar also for education and residential location. She stressed that barriers of access to services

still persisted and that many PAD lived in a state of chronic low income. With regard to housing, she said that PAD often lived in inadequate, unsafe housing conditions. Finally, she stressed the importance of disaggregated data in order to justify the need for socioeconomic programming targeted at people of African descent.

18. In the discussion that followed, participants touched on multiple discrimination affecting women in different spheres and in different regions, including in South America, the Caribbean and in Europe. Participants also highlighted the progress, to a certain extent, within UN mechanisms in addressing the situation of indigenous communities and questioned how the same process could be applied in the case of people of African descent. Participants also noted that much of the success in addressing racial discrimination of PAD has been achieved thanks to social movements and participation from civil society mechanisms. Certain countries in Latin America which in the past negated the existence of Afrodescendant population will soon for the first time include census questions on them.

19. Committee members also participated in the interactive dialogue and spoke of the development of a new frame to address the needs of the Afrodescendant population since it seemed that the realities of people of African descent had not always been adequately addressed. They stressed the unique opportunity of the International Year of PAD to bring focus back to the challenges facing people of African descent. Participants stressed the importance of continuing to work together with PAD in order to find adequate solutions. They underlined the need to take into account and understand the specificities of people of African descent. By unanimous decision, the Committee on the Elimination of Racial Discrimination will engage in drafting a general recommendation focusing on persons of African descent.

20. The text of the panel contributions can be found on the Committee's webpage:

<http://www2.ohchr.org/english/bodies/cerd/AfricanDescent.htm>
