



General Assembly

Distr.: General
26 May 2010

Original: English

Human Rights Council

Fourteenth session

Agenda item 9

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

Report of the Working Group of Experts on People of African Descent on its ninth session*

(Geneva, 12-16 April 2010)

Chairperson-Rapporteur: Mirjana Najcevska

Summary

At its ninth session, the Working Group of Experts on People of African Descent engaged in a thematic discussion on structural discrimination against people of African descent. It also discussed possible activities in the context of the 2011 International Year for People of African Descent, which was declared by the General Assembly in its resolution 64/169.

* Late submission.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-3	3
II. Organization of the session	4-11	3
III. Summary of deliberations	12-113	4
A. Thematic discussion under agenda item 5 on structural discrimination against people of African descent	15-86	5
B. Discussion under item 6 on a draft programme of activities for the International Year for People of African Descent	87-112	14
C. Presentation and discussion of the draft conclusions and recommendations of the ninth session	113	18
IV. Conclusions and recommendations	114-135	18
A. Conclusions	114-122	18
B. Recommendations	123-135	19
 Annexes		
I. Agenda		21
II. List of participants.....		22-23
III. List of documents		24
IV. Working Group proposals for the International Year for People of African Descent.....		25-26

I. Introduction

1. The Working Group of Experts on People of African Descent held its ninth session from 12 to 16 April 2010 at the United Nations Office at Geneva.
2. The Director of the Research and Right to Development Division, Marcia V.J. Kran, opened the session. The Working Group elected Mirjana Najcevska as its Chairperson-Rapporteur.
3. The present report reflects the general course of the debate.

II. Organization of the session

4. During the ninth session, the Working Group held nine public meetings and one private meeting. It was attended by the following members: Ms. Najcevska, Maya Sahli, Linos-Alexander Sicilianos and Verene Shepherd, as well as observers from 68 Member States and 1 non-Member State; 15 non-governmental organizations; 3 intergovernmental organizations and 5 invited panellists.¹

A. Opening of the session

5. The Director of the Research and Right to Development Division, Ms. Kran, delivered the opening address. She paid tribute to the work of Rex Nettleford, who had passed away while participating in a country visit by the Working Group to the United States of America in January 2010. The Director also paid tribute to Joe Frans, the previous Chair of the Working Group whose term as a member had expired the previous year. Ms. Kran welcomed the new members of the Working Group: Mr. Sicilianos and Ms. Shepherd.

6. The Director reported that the Working Group had carried out two country visits since its last session in January 2009: to Ecuador and to the United States of America. She applauded the two Governments for extending invitations and encouraged other Member States to do the same.

7. The Director noted that people of African descent were still victims of racism in all corners of the world. That was borne out by the unacceptable living conditions that many had to endure, inadequate access to fundamental services, and societal attitudes, as often represented in, and exacerbated by, the media. She pointed out that racist attitudes reduced vibrant communities to crude stereotypes. Racism reduced opportunities for education, employment and health.

8. Ms. Kran stated that because of its covert nature, structural discrimination was not easily identified and was often detectable only by its nefarious consequences. She noted that disproportionate rates of incarceration, infant mortality, illiteracy and other indicators might result from a problem that was structural in nature.

¹ All working papers submitted by the experts and participants are available at the Secretariat or can be found on the OHCHR website:
<http://www2.ohchr.org/english/issues/racism/groups/african/4african.htm>.

B. Election of the Chairperson-Rapporteur

9. During the 1st meeting, on 12 April, the experts of the Working Group elected Ms. Najcevska as Chairperson-Rapporteur.

10. Ms. Najcevska also paid tribute to Mr. Nettleford. She noted that he firmly believed that people of African descent should draw upon their own culture and values when facing and resolving challenges.

C. Organization of work

11. During the 1st meeting, the Chair suggested that the agenda and the programme of work for the session be revised so as to include a presentation by Ms. Sahli on her participation in the second session of the Forum on Minority Issues, which had been held in Geneva in November 2009, and a short summary by Ms. Najcevska of the two country visits recently carried out by the Working Group. The revised agenda and programme of work, as orally amended by the Chair, were adopted accordingly.

III. Summary of deliberations

12. Ms. Sahli provided an overview of the second session of the Forum on Minority Issues, where the focus had been on effective political participation. She reported that the Chair of the forum was United States Congresswoman Barbara Lee, who also chaired the Congressional Black Caucus, and that the work of the forum had been guided by the independent expert on minority issues, Gay McDougall. More than 500 participants, including representatives of Governments, treaty bodies, United Nations specialized agencies and civil society had participated in the forum. Ms. Sahli informed the room that challenges and problems with regard to effective political participation of minorities had been discussed. The participants had also analysed channels of communication between minorities and majorities and between minorities and Governments. Another issue that had been discussed at the forum was how minorities should be represented in majority parties or whether they should have their own parties. It had been noted that intensified awareness-raising initiatives were required. The need for establishing channels for exchange of expertise, data and possible solutions had been noted.²

13. Ms. Najcevska provided an overview of the country visits of the Working Group to Ecuador and the United States of America. She thanked both Governments for their collaboration. With regard to Ecuador she pointed out that the Working Group was particularly impressed by the new Constitution adopted in 2008, which allowed for advances to be made in the protection and promotion of the human rights of all vulnerable groups, including the population of African descent. She also noted the unprecedented amount of resources that the Government had invested in social services during the previous two years, particularly to benefit poorer sectors of society. Ms. Najcevska emphasized that structural and widespread racism in Ecuador was triggered by stereotypes and prejudices and that special attention should be given to poverty. Several of the Working Group's recommendations for addressing discrimination against people of African descent in Ecuador were mentioned (see A/HRC/13/59).

² See the recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation (A/HRC/13/25).

14. With regard to the visit to the United States, Ms. Najcevska stated that the report would be finalized soon. She noted that there were many programmes and initiatives for people of African descent. However, there were also areas where challenges still needed to be addressed, including the existing vicious circle of poverty and lack of access to education and employment opportunities for people of African descent. The Working Group applauded advances with regard to direct discrimination, but expressed concern about existing structural discrimination.

A. Thematic discussion under agenda item 5 on structural discrimination against people of African descent

1. Access to health

15. A presentation was made by Gustavo Makanaky, Director of International and Inter-institutional Studies at the Technological University of Choco, Colombia. The panellist reviewed the issue of structural discrimination against people of African descent in access to health.

16. The panellist noted that the United Nations played an important role with regard to monitoring and follow-up. Qualitative and quantitative studies by international organizations in specific areas such as health, employment and others were needed, for example by the World Health Organization (WHO)/Pan American Health Organization (PAHO), or the International Labour Organization (ILO). It was noted that sharing examples of positive measures in different areas would be useful. Health insurance companies and their treatment of different races should also be analysed in order to address structural discrimination.

17. The panellist pointed out that indicators should be adopted that give visibility to issues related to discrimination, thereby triggering real change. Effective implementation of rules and legislation was essential in order to improve results.

18. An observer suggested that the Working Group also consider the issue of health in the framework of the Millennium Development Goals. The vulnerability of unemployed people and their respective lack of insurance had a detrimental impact on their health. The observer invited the Working Group to discuss how to take issues to the Human Rights Council, emphasizing that it was essential that its recommendations were implemented.

19. Another observer pointed out that there was not enough information with regard to the structural causes of discrimination in health. Causes should be analysed first in order to look for solutions. The observer suggested that organizations such as WHO/PAHO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and ILO be formally invited to contribute to the work of the experts or that they send written statements on questions raised by the Working Group.

20. An observer pointed out that due attention should be paid to the issue of mental health.

1. Access to education

21. Ms. Sahli noted that people of African descent had limited access to education. Their geographic location - residing in developing or developed countries, poor urban areas or rural areas - affected access to education. That group faced structural poverty resulting in exclusion from education. Children from early childhood were affected by malnutrition resulting in deteriorating health, which also affected access to education. The expert pointed out that very often children left school after three years due to poverty and health problems, without acquiring basic skills - less than 50 per cent of students in the first year of primary

school had reading skills. Gender-based discrimination in education was also emphasized - girls remained at home to help with housework rather than going to school. Ms. Sahli noted a lack of programmes in schools appropriate to children of African descent. Children who dropped out of school were also more vulnerable to involvement in crime.

22. With regard to remedies, Ms. Sahli noted that it was important to bring different stakeholders together. Organizations such as UNESCO and the United Nations Children's Fund (UNICEF) could assist, but only States could create conditions for an inclusive environment. Processes of making education uniform should preserve diversity. Education costs should be covered for those in special need. Special measures were needed to ensure access to education, including university. The content of programmes and curricula needed to ensure respect for diversity. Disaggregated data was also needed.

23. An observer noted that children without adequate education faced numerous problems. Member States were encouraged to adopt special measures in that context, to assess causes and to submit updated information to relevant international bodies.

24. At the 2nd meeting, on 13 April, an observer highlighted the importance of the learning environment, noting the importance of the language of instruction for the learning process. The experience of South Africa had shown that if people received instruction in a language other than their mother tongue, they frequently questioned their identity, which could lead to Afro-pessimism. She added that disparities in the standards of education for different population groups severely affected levels of achievement and, as a result, career opportunities. She further emphasized the importance of sustained affirmative action programmes to increase the enrolment of persons of African descent in higher education. The same observer suggested that the Working Group hold public meetings with people of African descent in order to find particular and appropriate solutions to the challenges they were facing in accessing education.

25. Concern was expressed by one observer over educational and professional profiling which steered children and adults of African descent into certain educational and career paths that were not always to their benefit.

26. One observer noted that national agendas for research, science and technology lacked a focus on people of African descent as well as a dedicated budget. In countries that had adopted an affirmative action programme, international organizations and United Nations programmes could keep track of its implementation through data collection and analysis. He added that people of African descent were hard to find among educators, health professionals and in other critical areas of economic life, which in turn had a negative impact on access to education.

27. Responding to questions and comments, Ms. Sahli concluded that people of African descent were trapped in poverty, which resulted in their inability to finance their education. She stressed the need to include both children and adults of African descent in the learning framework. While many States had committed to equal and free access to education, structural discrimination was an impediment to effective access. She also noted the lack of educators of African descent as a result of that situation. United Nations agencies, she stated, played an important role in measuring the disparities through the collection of disaggregated data.

28. An observer from a non-governmental organization (NGO) drew the attention of the Working Group to the charter school movement in the United States which, in his view, was not a solution for the majority of black children in the country, but helped only a small minority.

29. Ms. Shepherd noted that in some countries people of African descent represented a numerical majority and occupied positions of power. Nevertheless, the population remained

subject to structural discrimination in health and education. Based on that assessment, she called for strategies that would differentiate between situations in which people of African descent were a minority and contexts where they constituted the majority of the population.

30. Dilip Lahiri, a member of the Committee on the Elimination of Racial Discrimination invited as a panellist to the Working Group, presented an analysis of structural discrimination against people of African descent in respect of access to education. He reported that the Committee would engage in a thematic discussion on people of African descent at its seventy-seventh session in August 2010. Its views and recommendations would then feed into the draft programme of activities for the International Year in 2011.

31. Mr. Lahiri stated that structural discrimination against people of African descent, even in situations of apparent equality under the law, was well documented and had resulted in social exclusion and an inability to access opportunities in education, health, employment and access to justice. That had relegated communities of African descent to the margins of mainstream society. He called for effective action to redress the situation, such as concrete and measurable special measures. He also called on Governments to take ownership of the process with the cooperation of the international community. Mr. Lahiri noted that the scope of the mandate of the Working Group had varied in subsequent resolutions and suggested, in the light of limited resources, that the Working Group focus on Afro-descendants whose situation could be directly traced to the transatlantic slave trade.

32. Several observers praised the quality of Mr. Lahiri's critical analysis. One observer called for the Committee on the Elimination of Racial Discrimination, the United Nations system and the global community to put pressure on the Human Rights Council to act on the recommendations of the Working Group, so as to speed up their implementation.

33. One observer stated that education was needed to reclaim and value African history and the continent's role in world history. The issue was not only to educate people of African descent, but all people of the planet.

34. The question was raised by one observer as to how the Committee on the Elimination of Racial Discrimination approached and addressed the problem of structural discrimination in all its aspects.

35. Mr. Sicilianos pointed to the global mandate of the Working Group as per Human Rights Council resolution 9/14 adopted in 2008. He also indicated that the Committee on the Elimination of Racial Discrimination typically formulated simultaneous and identical recommendations concerning people of African descent and indigenous peoples. Considering that the legal regimes applicable to the two groups differed, he advocated for distinguishing the two groups, without neglecting their comparable difficulties.

36. The UNICEF representative noted there were two distinct diasporas with common threads: one resulting from the transatlantic slave trade and one resulting from the emigration of Africans to Europe following colonization. She asked the panellist how he assessed the position of blacks in European countries. The panellist responded that the circumstances of Afro-descendants in Europe were different from Afro-descendants in the Americas, since the former had left Africa of their own free will.

37. Mr. Lahiri stressed the need for disaggregated data from States to allow the Committee on the Elimination of Racial Discrimination to fulfil its responsibilities. He also reported that the Committee had recently adopted general comment No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, which could be an area of synergy with the Working Group.

38. With respect to the differences and commonalities among people of African descent and indigenous peoples, Ms. Shepherd noted that Garifuna and Maroons were both indigenous and of African descent. She also warned that reform of educational curricula

could be effective only if history was made a compulsory subject in schools, which was not always the case. Noting that reparations were a right, she added that teaching history was a critical factor in creating popular support for reparations in communities of African descent.

39. On 13 April, at the 3rd meeting, the expert of the Working Group, Ms. Shepherd, made a presentation on structural discrimination in education. Ms. Shepherd emphasized that racism could masquerade as “classism” even in contexts where people of African descent constituted a majority. The expert pointed out that in many post-colonial societies problems did not arise from the formulation of legal measures but from the occurrence of insidious practices.

40. She noted that in many countries there was differential access to quality secondary education, due to competitive entrance processes and poor primary education. Entrance tests also had a detrimental impact on children’s health because of the high level of stress. Furthermore, in some educational systems differential access was also determined by religion and culture. In that context, education was used to perpetuate class divisions. Language was also an element used to grant differential access to education.

41. Ms. Shepherd emphasized that contents of textbooks and curricula were important for the empowerment, self-esteem and identity of people of African descent, Asians and indigenous peoples. It was essential to ensure that textbooks and other didactic materials were free from racist and sexist remarks that perpetuated negative stereotypes and prejudices. It was noted that knowledge of the past played an important role for mental liberation.

42. With regard to sexism, the expert noted that in some educational systems masculinity was praised and perpetuated through gender stereotypes and incorrect information. Educational models dominated by stereotypes of masculinity emphasized the subordinate role of women. The role of intensified awareness-raising for the destruction of such stereotypes was pointed out.

43. An observer emphasized that compulsory and free primary and secondary education could break vicious circles of poverty, illiteracy and unemployment. It was reiterated that the content of textbooks could affect mentalities. An observer emphasized that in order to properly address the needs of people of African descent they should be recognized as a specific group in the context of the formulation and implementation of strategies, programmes and policies. It was also noted that there was a tendency in some communities of African descendents to view European physical features as indicators for higher social status. That indicated the low self esteem of such groups. Self-esteem could be increased through education.

44. At the 3rd meeting, Alma Jenkins Acosta, a representative from UNICEF, made a presentation on structural discrimination in education. The panellist pointed out that some students of African descent were discriminated against because of their clothing, hairstyle or because their families practiced a different religion or belief. It was emphasized that educational methods should be adapted to the contemporary circumstances and interests of young people. Modern communications technologies could and should be used for educational purposes – the so called “edutainment tools” (mixture of education and entertainment).

45. Ms. Jenkins noted that covert racism worked from the unconscious, guaranteed the effects of structural asymmetries, mutated and reproduced.

46. Ms. Jenkins made the following recommendations: disaggregate data to monitor access to education; conduct mapping of programs and policies related to Afro-descendents to identify and analyse gaps; strengthen legal frameworks for teaching on Afro-descendents’ issues (South-South cooperation); increase coverage of early childhood

education services; strengthen the capacity of teachers to include knowledge of peoples of African descent; stimulate participatory research to generate/systematize “new” knowledge (community-based pedagogic laboratories); and promote programmes that eradicate sexism and racism from curricula.

47. An observer pointed out that children of mixed families sometimes had problems with self-identification.

48. An observer expressed concern with regard to psychometric tests for school applications that purported to assess the intellectual capacity of prospective students. It was noted that such tests constituted barriers for children of African descent as the tests used variables which were extrapolated from culturally different contexts.

49. In concluding the discussion, Ms. Jenkins noted that the teaching of African history and culture should not be only for people of African descent. With regard to the construction of identity she stated that positive changes were observed in children from mixed marriages when they themselves chose their identity. Furthermore, she highlighted that it was not enough to have textbooks that were good; it should be ensured that they are accessible as well, as high prices constituted an obstacle.

3. Collection of disaggregated data as a tool in fighting structural discrimination

50. In her presentation at the 4th meeting, on 13 April, the Chair of the Working Group, Ms. Najcevska, gave an overview of racial disparities in infant and maternal mortality; incarceration; poverty and credit approval rates; and the dependency on social welfare, as an illustration of how disaggregated data could break down a global picture into a more specific one, necessary to devise and monitor adequate social and development policies.

51. Disaggregated data, she noted, was essential in combating racial discrimination effectively. Even though biologically there was only one race and racial discrimination was a social construct, its impact and consequences were real because society had given the term meaning.

52. Racial disparities, according to the Chair, were the cumulative result of past and current racism. Data collection and its disaggregation for people of African descent were essential in combating the erroneous perception that racism was something of the past or merely a challenge at the individual level. A decrease in overt racism had led many to believe that racism was no longer a problem. The disparities borne out by disaggregated data proved the contrary by providing a picture of collective marginalization. The Chair emphasized that the absence of an intention to discriminate was irrelevant as long as the disaggregated picture showed disparities. Not all disparities were a result of discrimination, but many were, and all needed to be examined.

53. The Chair then proceeded to examine the essential components of structural discrimination. Structural discrimination, she indicated, was deeply rooted in tradition, literature, arts and practice. Because of its social acceptance and absence of malicious intent, it did not at first sight appear to be wrong and did not yield negative consequences for the perpetrator. Secondly, she noted, the victim of structural racism was blamed for the situation, which was considered to be the result of his or her culture, indifference or passivity. Hence, no fault could be assigned to the perpetrator.

54. The racial motive in structural discrimination was hard to identify, stated the Chair, as it often resulted from deeply rooted value judgements dating back to slavery and colonialism. Because the collective memory reproduced those stereotypes and prejudices, teaching the history of people of African descent was of critical importance, reported the Chair. That was not a question of the past, but an issue of the present. She added that the

issue of power was central to structural discrimination. A racist discourse perpetuated by the media led to prejudice becoming so-called “common sense”.

55. In terms of devising a strategy to address structural discrimination, Ms. Najcevska stated that addressing individual cases in court alone would not solve the problem. Instead, the depth and breadth of the problem needed to be made visible through statistical presentations of disaggregated data. Secondly, the heavy burden of the past needed to be recognized. Thirdly, States had to recognize their own responsibility and introduce special measures to address structural discrimination as a phenomenon that negatively impacted an entire community. At the same time, disaggregated data had to be put into context as it could be easily misused or misinterpreted, a point with which several observers agreed.

56. One NGO observer noted that the Office of the High Commissioner for Human Rights (OHCHR) was planning a seminar in Brazil on the collection of disaggregated data, ahead of the upcoming census in that region.³ The Chair of the Working Group stated that she would be representing the Working Group at the seminar.

57. Mr. Sicilianos noted that the Committee on the Elimination of Racial Discrimination systematically solicited disaggregated data from States, but cautioned that some European countries were reluctant to collect such data because of privacy issues, while some African countries feared disaggregated data collection could disrupt the social fabric of their societies. It was the role of the Working Group to propose strategies that could help States overcome conceptual and political objections to disaggregated data collection and analysis.

58. One observer responded that States had made a commitment to eradicating racial discrimination and that data was collected in many other spheres of life.

59. One NGO observer, on the subject of objections to data collection, stated that disaggregated data collection was no more an invasion of privacy than asking people for their name or gender. She suggested that the reluctance of certain States to collect data was rooted in the fact that they did not wish the disparities to become visible and then be forced to address them.

60. Several observers called for a future session of the Working Group to be dedicated to the issue of data collection.

61. One NGO observer cautioned against overestimating the potential of disaggregated data. Some countries, like the United States, had elaborate disaggregated statistics, yet the gap had widened rather than lessened. Statistics, he noted, was one thing, but the political will to close the gap was equally important.

62. Mr. Makanaky pointed to the following limitations of disaggregated data collection: first, the picture they presented was not comprehensive, but fragmented in substance and in time; second, resistance and sabotage by key civil servants responsible for collecting and analysing the data could impact the manner in which data were collected and the outcome. He further made the point that the asymmetry between racial groups had accumulated incrementally over generations and that differentiation needed to be considered as a necessary phase to achieve equity.

63. Pastor Elías Murillo Martínez, a member of the Committee on the Elimination of Racial Discrimination, was invited by the Working Group to give a presentation on the collection of disaggregated data as a tool in fighting structural discrimination. In his presentation, he pointed to the experience of capturing disaggregated data to combat

³ “Data collection and the use of indicators to promote and monitor racial equality and non-discrimination: seminar for the Americas” to be held from 3 to 5 May, 2010 in Rio de Janeiro, Brazil.

discrimination against women as an example to be followed regarding people of African descent. He then laid out the international legal framework and the Committee guidelines with respect to the inclusion of disaggregated data in States' periodic reports. He gave an overview of progress in the disaggregation of data in the Americas, as well as its use for the formulation of adequate public policies, including special measures.

64. Mr. Murillo noted that the stereotypes of barbarity, lack of humanity and profound inferiority affecting people of African descent were deeply rooted in theories by European philosophers such as Hegel and Kant which had underpinned colonialism, apartheid, racism and structural discrimination.

65. He stated that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, had led to major progress in the recognition of discrimination against people of African descent. The link established in Durban between poverty and racism had proved fundamental in formulating public policies benefiting people of African descent. He also cited paragraph 92 of the Durban Programme of Action, which called for the collection, analysis and publication of statistical data at the national and local levels regarding the situation of victims of racism, racial discrimination, xenophobia and related intolerance. The Durban World Conference and the regional preparatory meeting for the Americas in Santiago had led to the inclusion of targeted questions in the 2000 census on the continent. Indeed, since Durban, people of African descent had finally become "visible".

66. With respect to the Committee on the Elimination of Racial Discrimination, the panellist reported that the situation of people of African descent was receiving increasing attention from the Committee. A thematic discussion on the question was scheduled for the Committee's seventy-seventh session.

67. Self-identification was signalled by the panellist as an issue of frequent controversy in the collection of disaggregated data, but also one of increasing international legitimacy. A national context of profound historical, social and political discrimination could make people of African descent reluctant to identify themselves as such. Others might be in denial about the colour of their skin. As a result, people of African descent in South America were systematically underrepresented in statistics.

68. Ms. Jenkins, the UNICEF representative, noted that the black population in the Americas had been counted from the very start, on slave ships and in church registries. She also called on States to disaggregate data so as to better allocate resources for the achievement of the Millennium Development Goals.

69. Mr. Makanaky emphasized that the term "people of African descent" was relatively new and not necessarily familiar to the persons to which it applied. Instead, an array of other denominations was used in South America to describe persons of African descent. In Colombia, that had led to the challenge of choosing the right denomination for inclusion in the census. He also pointed out that traditional colonial policies, which had discouraged people of African descent from identifying as blacks, hampered the process of self-identification. Mr. Makanaky advocated for data to be collected through formal and informal structures and gave the example of people of African descent who did not use State medical facilities, but trusted traditional medicine instead. If one were to effectively measure the prevalence of a certain illness among children in order to devise a public programme to eradicate that illness, one would have to take such social and cultural factors into account.

70. Mr. Murillo explained that, although people of African descent were counted prior to the abolition of slavery, the practice was discontinued when constitutions on the continent had recognized only one race and religion. Difference was considered a threat to national unity. That fear of diversity had a negative impact on the visibility of people of African

descent who disappeared from the radar until the twenty-first century. The constitutional and legal recognition of diversity was therefore closely linked to the appearance of ethnicity and race in population censuses.

71. As for the Millennium Development Goals, Mr. Murillo reported that it would be impossible for any country in South America to achieve the Goals without adopting special measures for indigenous peoples and people of African descent. Education, social protection and employment were the three main pillars of development in which special measures needed to be implemented.

72. The Chair of the Working Group clarified that the current session did not seek to exhaust the subject of disaggregated data, but merely intended to start the discussion on the topic. She added that the Working Group would consider the proposal of dedicating a separate session to disaggregated data collection in all its complexities.

4. Structural discrimination in administration of justice

73. At the 5th meeting, on 14 April, Mr. Sicilianos, a member of the Working Group, highlighted in his presentation the importance of the Committee on the Elimination of Racial Discrimination's general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. He pointed out that a number of indicators might be helpful for the detection of structural discrimination, inter alia: the number and percentage of people of African descent who are victims of aggression or other offences, especially when they are committed by State officials; the absence or small number of complaints, prosecution and convictions relating to acts of racial discrimination in the respective country; lack or insufficient information on the behaviour of law enforcement officials vis-à-vis people of African descent and lack or small number of complaints against law enforcement officers; higher crime rates attributed to that group; harsher or disproportionate sentences; the number and percentage of people of African descent held in prison or preventive detention; and insufficient representation of people of African descent among law enforcement officials.

74. In accordance with the Committee's general recommendation No. 31, Mr. Sicilianos also highlighted some legislative indicators: any gaps in domestic legislation; and the potential indirect discriminatory effect of certain domestic laws, such as legislation on terrorism. The expert noted that some countries claimed that they did not face certain problems and therefore legislation was not needed to address the respective issue, which was not in conformity with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, it was pointed out that legislation on terrorism, immigration or deportation often disproportionately affected people of African descent.

75. Mr. Sicilianos noted that challenges must be overcome and efforts should be intensified. He suggested that States carefully analyse their systems and ensure that people of African descent have access to justice, including access to free legal assistance where attention is also paid to the quality of the legal aid and the availability of translation, if needed. The expert noted that such legal assistance regimes could be put in place in collaboration with NGOs.

76. Mr. Sicilianos also emphasized the need for training of law enforcement officials so that victims are received in police stations in a satisfactory manner; complaints are recorded accurately and immediately and investigations are pursued without delay in an effective, independent and impartial manner. In case of misconduct by law enforcement officials, sanctions and disciplinary measures should be implemented accordingly. It was also noted that it would be useful to have in place paralegal systems of reconciliation and mediation.

77. The expert noted that structural discrimination occurred more often in the process of arrest and prosecution of people of African descent. The phase of questioning, interrogation and arrest was of essential importance for the trial. In that delicate phase people could be mistreated by officials and racial profiling might occur. Violence, acts of torture, cruel, inhuman or degrading treatment by law enforcement officials should be punished without delay. Strict principles regarding the use of force by the police must be in place and special attention should be paid to the principle of proportionality. The arrested persons must fully enjoy their fundamental right of defence. That was particularly important in the initial phase of the arrest. Specific rules should be observed with regard to pretrial detention and bail should be proportionate to the economic situation of the arrested person.

78. Mr. Sicilianos pointed out that very often the presumption of innocence was discarded. The media also played a negative role in the creation and perpetuation of stereotypes, affecting the course of the judicial proceedings. It was important that journalists were properly trained to prevent such mistakes.

79. An observer noted that the justice system went beyond the area of criminal justice and that it was also important to analyse school practices where adolescents who were expelled from schools were more vulnerable to recruitment by gangs. Another area that deserved attention was the child welfare system, where disproportionately large numbers of children of African descent were taken away from their families, making them more vulnerable to recruitment by criminal organizations. The observer also suggested that the Working Group devote an entire session to justice systems.

80. At the 5th meeting, David Fathi, Director of the National Prison Project of the American Civil Liberties Union, also made a presentation on the issue of structural discrimination in the administration of justice. He also recalled general recommendation No. 31 of the Committee on the Elimination of Racial Discrimination. He noted that people of African descent were overrepresented among the prison population in many States. They, together with indigenous peoples, were more likely to be incarcerated than white persons, and for longer periods.

81. The panellist noted that in many States, police had little discretion with regard to serious crimes such as murder. By contrast, with crimes that were very common and relatively minor, police had greater discretion as to whether, and how, they enforced the law. That strongly affected the racial composition of those arrested. Another factor was the decision by legislators to punish some crimes more harshly than others. Mr. Fathi also underlined the importance of the quality of free legal representation. He also emphasized that disaggregated data was needed in order to more fully understand the phenomenon of disproportionate incarceration of people of African descent.

82. The panellist pointed out that people of African descent were more likely to receive the death penalty than others convicted of similar crimes – the so called “race of defendant” effect. In some jurisdictions, such as Saudi Arabia, foreign nationals, often of African descent, were sentenced to death in disproportionate numbers, while in the United States, the strongest racial disparity is related not to the race of the defendant but rather to the race of the victim. A defendant who was convicted of killing a white person was far more likely to receive the death penalty than one who was convicted of killing a black person.

83. Mr. Fathi also noted that many States barred either some or all incarcerated persons from voting and some States even denied the right to vote to some former prisoners. The combination of disproportionate incarceration of people of African descent with the denial of the right to vote constituted a self-reinforcing process as their ability to change laws and procedures was significantly diminished. Such loss of political power also affected access to housing, education, health and other social services.

84. An observer pointed out that adolescents of African descent were more likely to be imprisoned and to receive charges similar to the ones for adults.

85. Ms. Shepherd reiterated that in some countries translation was not provided for immigrants in legal proceedings. She also stated that in some instances the body language was misinterpreted by police officers as aggressive or dangerous. In that regard, the importance of training law enforcement officers was reiterated. An observer noted that the accumulation of injustices might negatively influence the social behaviour of individuals.

86. Mr. Fathi concluded the discussion by highlighting the intersection of immigration, deportation and criminal systems. He pointed out that minor crimes had started leading to the mandatory deportation of people of African descent. Deportation was thereby being used as an additional sanction.

B. Discussion under item 6 on a draft programme of activities for the International Year for People of African Descent

87. At the 6th meeting, on 14 April, the Chair reported that, in its resolution 64/169, the General Assembly had proclaimed the year beginning on 1 January 2011 as the International Year for People of African Descent, with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to their full enjoyment of economic, cultural, social, civil and political rights, their participation and integration in all political, economic, social and cultural aspects of society, and the promotion of a greater knowledge of and respect for their diverse heritage and culture. The General Assembly encouraged Member States, the United Nations specialized agencies, within their respective mandates and existing resources, and civil society to make preparations for and identify possible initiatives that could contribute to the success of the International Year. Finally, it requested the Secretary-General to submit to the General Assembly at its sixty-fifth session a report containing a draft programme of activities for the International Year, taking into account the views and recommendations of Member States, the United Nations High Commissioner for Human Rights, the Committee on the Elimination of Racial Discrimination, the Working Group of Experts on People of African Descent and other relevant United Nations agencies, funds and programmes, as appropriate.

88. In accordance with that resolution, Ms. Sahli suggested several ideas, including an international day for people of African descent, the organization of an international conference on people of African descent, regional conferences on themes relevant to people of African descent, cultural weeks to highlight the culture and history of people of African descent and the creation of an international coalition of civil society to advance the rights and raise the profile of people of African descent.

89. Several NGO observers welcomed the suggestion of the Working Group for the involvement of civil society. One NGO observer, citing the example of the Netherlands, added that without special attention to civil society, NGOs from countries that had not participated in the Durban Review Conference risked being excluded from the observance of the International Year for People of African Descent.

90. The representative from Colombia, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), expressed the condolences of the group over the passing of Mr. Nettleford and welcomed the two new members of the Working Group. The representative stated that Colombia, which had proposed the initiative of the resolution, believed the International Year could generate positive momentum for concrete steps to

improve respect for the rights of people of African descent. Against that background, GRULAC would carefully examine any proposals put forward by the Working Group.

91. One NGO observer pointed out that the International Year for People of African Descent coincided with the tenth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He noted that the right to memory (*devoir de mémoire*) was essential for the liberation of people of African descent. One way of realizing that was through the rehabilitation of historic sites connected with the slave trade. Another way could be the opening of archives on slavery in different countries. Historians and experts from Africa and from the diaspora could be encouraged to work together on projects of that nature. The observer also called for the involvement of UNESCO and civil society in the endeavour.

92. Several suggestions were made for the date of an international day for people of African descent, many suggesting that it be connected with the contribution of Haiti to defeating slavery and advancing human rights. One observer proposed that the General Assembly adopt a resolution recognizing the contribution of the Haitian revolution to outlawing racism and to advancing human rights in general.

93. An NGO observer proposed “Restoring dignity and memory” as the theme of the International Year and called for engaging with the UNESCO Slave Route Project. She also called on national parliaments to adopt a declaration on the occasion of the International Year, a proposal supported by Ms. Sahli, who suggested that parliaments could adopt legislation to commemorate the slave trade.

94. It was stated by one NGO observer that the term “people of African descent” had a negative connotation because of the word “descent”, which implied a downward spiral. Another observer expressed the view that the denomination “Africans” was more appropriate. A brief discussion ensued with the members of the Working Group who indicated that while they were sympathetic to any feelings the term might spark and that anthropologists could examine the question of self-image through terminology further, at the end of the day the denomination was an etymological question – in French the term used was “ascendance,” the exact opposite of descent. In addition, the term had acquired its legitimacy through the Durban documents and was now generally accepted in the international legal framework. Last, but not least, the term “descent” as a prohibited ground of discrimination, could be qualified as racial or social, was subject to a general comment by the Committee on the Elimination of Racial Discrimination and thus part of a larger framework.

95. A number of observers noted that collaboration and coordination among international bodies was critical to the success of the International Year. Mr. Mekanaky suggested that the United Nations Research Institute for Social Development could start a series of long-term research projects to deliver data for decision-makers; UNESCO could assist States and academia in setting up programmes that would connect the African diaspora with the African continent; WHO could sponsor regional initiatives to address challenges faced by people of African descent in the area of health; ILO could conduct a survey on discrimination against people of African descent at work; the United Nations Development Programme, as the coordinator of the United Nations family, could follow up on initiatives decided by the Working Group.

96. Mr. Murillo, a member of the Committee on the Elimination of Racial Discrimination, thanked all States that had promoted the International Year and GRULAC in particular. He reported that the original idea had been to declare a decade for people of African descent. But the expert expressed his hope that the International Year could still lead to the proclamation of such a decade. He then summarized some of the proposals currently being studied by the Committee, including an international study examining the

contributions of people of African descent with recommendations to address challenges faced by that group.

97. Ms. Shepherd supported the proposal of memorials to allow people of African descent to grieve for their ancestors. She also proposed a textbook review project to start the healing process of children of African descent.

98. The Chair suggested that a voluntary fund be set up to facilitate the participation of people of African descent in the sessions of the Working Group on People of African Descent. She also proposed the creation of a travelling museum with interactive features, citing the example of the Anne Frank museum, as a way to combat ignorance about people of African descent.

99. One observer stated that some of the proposals put forward were already included in the 2001 Durban Declaration and Programme of Action. The real issue, in her view, was the lack of implementation by States of the proposals in the Durban document.

100. Nigeria, on behalf of the African Group, presented several proposals, while reserving the right to fine-tune them at a later stage. They included the establishment of a special fund to facilitate the participation of NGOs dealing with issues of people of African descent in the Working Group sessions; the formal observance of the International Year at the high-level segment of the Human Rights Council by way of organizing a panel discussion in that regard; and the production of a compilation of the numerous recommendations emanating from the various sessions of the Working Group since 2002. Nigeria also proposed that the International Year should be observed within the United Nations on a system-wide basis and all specialized agencies and other United Nations bodies be requested to include observance of the International Year; that a unit be established in OHCHR to coordinate the activities of Afro-descendant NGOs to enable their participation in activities marking the International Year and in subsequent meetings of the Working Group; and also that OHCHR organize forums and seminars or side events during the regular sessions of the Human Rights Council, on the situation of people of African descent.

101. One observer, on behalf of a collective of NGOs, proposed, inter alia, that the Secretary-General be requested to establish a voluntary fund for the International Year and invite contributions from Member States and all relevant donors, and that the High Commissioner for Human Rights be appointed as the Coordinator of the Year and closely cooperate with, and reserve a lead role for, the Working Group of Experts on People of African Descent. It was also proposed that the theme for the Year be “People of African Descent – recognition, justice and development”.

102. With respect to United Nations observance of the International Year for People of African Descent, the NGO collective recommended, inter alia, that an opening-day ceremony should be held on 10 December 2010 at the sixty-fifth session of the General Assembly and that a symbol be designed by an African-descendant artist for use in connection with the International Year.

103. With respect to activities at the national level, the NGO collective suggested that contact persons for the Year be designated in appropriate ministries and that national committees, composed of government representatives, people of African descent and non-governmental organizations, be established to prepare a national programme of activities..

104. One NGO observer, representing another collective of NGOs, presented a proposal that included a “sports for peace” project and a “week of hope in recognition of truth, justice, peace and reconciliation” to be organized in October 2011. Ms. Shepherd cautioned that 12 October was considered by indigenous peoples as a day of tragedy.

105. The Department of International Law of the Organization of American States (OAS) made four proposals for the observance of the International Year for People of African

Descent, namely: support for the process of developing a draft inter-American convention against racism and all forms of discrimination and intolerance; the inclusion of a theme on people of African descent in activities to promote and disseminate international law; the mainstreaming of the theme of people of African descent in the structure, policies and programmes of relevant international institutions, as well as States; and the promotion of comprehensive development strategies for people of African descent. The proposal included the incorporation of ethnicity and race in the census and in data collection and the development of policies to achieve the Millennium Development Goals; improving access to education as well as the level and quality of education for people of African descent; and the inclusion of the theme of people of African descent in corporate social responsibility strategies and programmes.

106. The OAS Department of International Law also offered to host, in the framework of the International Year for People of African Descent, a forum to discuss the above initiatives, with the participation of experts, academics, representatives from Governments, international organizations and civil society, in order to raise the profile of people of African descent. Such a forum could also establish links between the African and American continents.

107. At the 7th meeting, on 15 April, the members of the Working Group and observers continued discussing proposals for activities for the 2011 International Year for People of African Descent.

108. Several observers stressed that civil society and in particular communities of people of African descent should be actively engaged in the activities to take place in 2011. It was also stated that the International Year should be observed throughout the United Nations system, under the leadership of OHCHR. It was suggested that OHCHR take immediate measures to launch a widely publicized information campaign.

109. An observer noted that women of African descent and their organizations should be accorded priority at all activities. Religious institutions and leaders should also be associated with the International Year. Celebrities of African descent should also be involved.

110. A few observers suggested that the term “Afrophobia” start being included in relevant United Nations documents.

111. Further proposals made by observers included the organization of a one-day forum on “Reparations for descendants of the victims of the transatlantic slave trade and slavery and the implementation of the Durban Declaration and Programme of Action”; the preparation and circulation of an information note, providing an overview of initiatives for people of African descent put in place since the adoption of the Durban Declaration and Programme of Action; to link the international year with the 10th anniversary of that document (also in 2011); the carrying out of a survey on compliance with provisions of the Durban Declaration and Programme of Action; the preparation of a booklet containing examples of good practices for the elimination of racial discrimination; the creation of a peace award; the establishment of a global observatory for monitoring purposes; the establishment and promotion of networks of organizations of people of African descent; the establishment of a forum on people of African descent, similar to the one on indigenous peoples; a push for a decade on people of African descent; the carrying-out of studies on racial discrimination in various areas, such as employment (ILO), health (WHO), education (UNESCO), among others; and the collection of data on the situation of people of African descent.

112. Mr. Sicilianos suggested that proposals be clustered in two areas: organizational ideas and substantive ideas, to ensure that they could be meaningfully discussed by the Human Rights Council.

C. Presentation and discussion of the draft conclusions and recommendations of the ninth session

113. The Chair opened the 8th meeting on 16 April with a presentation of the draft conclusions and recommendations, as well as the proposals of the Working Group for the observance of the International Year for People of African Descent. She invited the other experts and observers to formulate comments. Following the discussion, the amended conclusions and recommendations were adopted at the 9th meeting by the Working Group, along with its proposals for the International Year for People of African Descent. The Chair then made her closing statement and the ninth session was concluded.

IV. Conclusions and Recommendations

A. Conclusions

114. The Working Group is conscious of the fact that structural discrimination against people of African descent has deep historic roots and manifests itself in a unique and multidimensional manner due to the double legacy of slavery and colonialism.

115. The Working Group underlines the importance of States encouraging self-identification by people of African descent, as a precondition to adequately addressing discrimination against them in all areas. The Working Group underlines the importance of States facilitating self-recognition of people in the process of collecting disaggregated data.

116. The Working Group emphasizes the profound and persistent nature of structural discrimination against people of African descent, including in countries where they represent the numerical majority. The consequences of structural discrimination against people of African descent, even if such discrimination appears to be unintentional, can be as pernicious as direct discrimination.

117. The Working Group notes improvements in facilitating access to education for people of African descent, but remains concerned about continuing differential standards concerning both access to and quality of education. The Working group is also concerned about the insufficient degree to which such education fosters social mobility and facilitates access to higher level employment opportunities.

118. The Working Group intends to engage with relevant United Nations agencies, funds and programmes to assist States with improving access to quality education at all levels for people of African descent.

119. The Working Group notes that a holistic approach, encompassing education, health care, the administration of justice, employment and housing, is imperative to breaking the cycle of poverty, social, economic exclusion and marginalization in which the majority of people of African descent are trapped. The Working Group stresses that the Millennium Development Goals should be achieved for all sectors of society, including people of African descent.

120. The Working Group underscores the importance of collecting disaggregated data to render structural discrimination against people of African descent more visible, thereby facilitating the adoption of adequate policies to combat such discrimination, including affirmative or positive measures. At the same time, the

Working Group deems necessary the adoption of measures to prevent the possible misuse and negative impact of disaggregated data.

121. The Working Group regrets that many people of African descent do not have access to quality health care as they are unable to afford health insurance due to the situation of poverty they endure.

122. The Working Group stresses the need to address the overrepresentation of people of African descent who are subject to the criminal justice system, including mental institutions and the child welfare system, as well as double standards in sentencing. The Working Group notes the prevalence of structural discrimination, severely affecting persons of African descent, at all stages and levels of the administration of justice, including, *inter alia*, legislation, law enforcement, courts and tribunals. This has far-reaching consequences in terms of poverty, education and employment and undermines the fundamental democratic principles of political participation.

B. Recommendations

123. The Working Group urges States and specialized agencies of the United Nations, as appropriate, to implement, as a priority, the provisions pertaining to people of African descent in the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference, as well as previous recommendations of the Working Group.

124. The Working Group recommends the establishment within OHCHR of an observatory to review and report on progress in the implementation by Member States and specialized agencies of the United Nations, as appropriate, of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference, as well as recommendations by the Durban follow-up mechanisms pertaining to people of African descent.

125. The Working Group calls on the United Nations to promote further discussion on the use of the term “Afrophobia” in its work in order to highlight the special and unique discrimination faced by people of African descent.

126. The Working Group calls upon States to earmark contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination (Durban Fund) to fund the participation of civil society, including relevant NGOs, in its sessions.

127. The Working Group urges States to adopt special measures, including affirmative or positive measures, based on disaggregated data, as appropriate, to address structural discrimination against people of African descent, taking into account general recommendation No. 32 (2009) adopted by the Committee on the Elimination of Racial Discrimination.

128. The Working Group urges States to address disparities in access to health and quality of health care between people of African descent and other population groups, more specifically by addressing the differential access to insurance coverage in health care.

129. The Working Group calls on States to engage in comprehensive curricula reform to ensure that educational programmes foster a positive self-image and pride among people of African descent and recognize the African and African descendants' contribution to world development, history and culture. Such reform should also tackle all forms of stereotypes.

130. The Working Group recommends that, as a measure to combat discrimination against people of African descent in the administration of justice, appropriate training be organized for all those who are part of the justice system, including judges, prosecutors, law enforcement officers and child welfare workers, to ensure they are sensitive to issues related to culture, diversity, racism and racial profiling.

131. The Working Group recommends that States examine and revise laws and practices that have a disproportionate impact upon people of African descent in the criminal justice system and lead to their overrepresentation in prisons and other places of detention.

132. The Working Group also recommends that States guarantee quality legal aid to facilitate access to justice in all areas, as well as support for mechanisms of alternative dispute resolution, which often prove to be particularly effective in dealing with racism against people of African descent. In addition, the Working Group urges States to adopt special measures to facilitate increased representation of people of African descent in the judiciary and in law enforcement.

133. The Working Group strongly recommends that the international community declare an international decade for people of African descent to make the challenges they face more visible, to identify solutions, and to engage in a sustained campaign to eradicate structural discrimination against people of African descent.

134. The Working Group calls for a United Nations interagency global study to collect data on people of African descent in their respective areas of work and to develop concrete recommendations that address the structural racism against people of African descent.

135. The Working Group appreciates the participation of Member States and other stakeholders at its session and urges more active and enhanced participation in its future sessions.

Annex I

[English only]

Agenda

1. Opening of the session.
2. Election of the Chairperson-Rapporteur of the Working Group.
3. Adoption of the agenda.
4. Organization of work.
 - Briefing on participation by Working Group's representative at Forum on Minority Issues
 - Briefing on country visits by Working Group to Ecuador and the United States of America
5. Thematic discussion on structural discrimination against people of African descent.
6. Discussion on a draft programme of activities for the International Year for People of African Descent.
7. Presentation and discussion of the draft report on the ninth session.
8. Adoption of the report on the ninth session.

Annex II

[English only]

List of participants

A. Members

Ms. Mirjana Najcevska (Chair)
Mr. Linos-Alexander Sicilianos
Ms. Maya Fadel Sahli
Ms. Verene Shepherd

B. States Members of the United Nations represented by observers

Algeria, Angola, Argentina, Azerbaijan, Bahrain, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, South Africa, Spain, Sudan, Switzerland, Togo, Turkey, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

C. Non-member States represented by observers

Holy See

D. Intergovernmental organizations

African Union, International Organization for Migration, Organization of American States

E. United Nations

World Health Organization, United Nations Children's Fund

F. Non-governmental organizations in consultative status with the Economic and Social Council

African Canadian Legal Clinic, Al-Hakim Foundation, December Twelfth Movement International Secretariat, Geneva for Human Rights, Interfaith International, International Youth and Student Movement for the United Nations, International Association against Torture, Mouvement contre le Racisme et pour L'Amitié entre les Peuples, North-South XXI, Rencontre Africaine pour la Défense des Droits de l'Homme.

**G. Non-governmental organizations not in consultative status
with the Economic and Social Council**

African Hebrew Development Agency, Foundation National Monument Dutch Slavery
Past, International NGO Congress Inc., Culture of Afro-indigenous Solidarity, Movimiento
Panafricanista.

H. Panellists and presenters

Ms. Alma Jenkins, UNICEF

Mr. David Fathi, American Civil Liberties Union

Mr. Pastor Elías Murillo Martínez, Committee on the Elimination of Racial Discrimination

Mr. Dilip Lahiri, Committee on the Elimination of Racial Discrimination

Mr. Gustavo Makanaky, Technological University of Choco

Annex III*[English only]***List of documents**

Symbol	E	F	R	S	C	A	Title
A/HRC/15/AC.3/1	X	X	X	X	X	X	Provisional agenda
A/HRC/15/AC.3/1/Add.1	X	X	X	X	X	X	Annotations to the provisional agenda
A/HRC/15/AC.3/2	X	X	X	X	X	X	Note by the Secretariat

Annex IV

Working Group proposals for the International Year for People of African descent

“People of African Descent: Recognition, Justice, and Development”

I. Organizational proposals:

1. That the International Year for People of African Descent be accompanied by the title “People of African Descent: Recognition, Justice, and Development” in order to bring attention on the critical thematic focus for the International Year.
2. That the International Year for People of African Descent be observed with the full involvement of all relevant United Nations bodies, programmes, and specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the World Health Organization, the United Nations Children’s Fund, the United Nations Development Programme and the United Nations Population Fund.
3. That cooperation between the United Nations and regional organizations be ensured in the context of the observance of the International Year at the regional level.
4. That the relevant United Nations authority establish a voluntary fund, including an initial contribution from the United Nations regular budget, for the International Year and invite contributions from Member States and all relevant donors, so as to provide additional funding for the implementation of the activities relating to the International Year, as well as follow-up activities, and to facilitate the participation of non-governmental organizations (NGOs) dealing with issues of people of African descent in such activities.
5. That the Secretary-General appoint the United Nations High Commissioner for Human Rights as the coordinator of the activities related to the International Year for People of African Descent.
6. That the Office of the United Nations High Commissioner for Human Rights (OHCHR) ensure adequate media coverage of the International Year, including by way of materials such as a logo, posters, brochures, among others, and the establishment of a dedicated web space for the International Year.
7. That a linkage between the International Year for People of African Descent and the tenth anniversary of the Durban Declaration and Programme of Action be formally established.
8. That national institutions for the promotion and protection of human rights be invited, through the International Coordinating Committee, to actively participate in the International Year, including by initiating relevant activities at the national level.
9. That the International Year be opened by way of an opening day ceremony to be held at the sixty-fifth session of the General Assembly on 10 December 2010.

II. Substantive proposals:

10. That the International Year for People of African Descent be observed formally at the High-level Segment of the sixteenth session of the Human Rights Council by way of organizing a panel discussion.

11. That an International Day for People of African Descent be declared after wide consultation with people of African descent; but that the date chosen be connected with an important date in Haitian history in recognition of Haiti's fundamental role in exposing discrimination against people of African descent and centring concepts of human dignity and right to freedom and justice for people of African descent locally, regionally and globally from 1791 to 1804 and beyond.
12. That the Human Rights Council be invited to launch the process for the formulation of a declaration on people of African descent and give a mandate to the Working Group of Experts on People of African Descent to develop a draft text in this respect.
13. That a high-level international conference on people of African descent be organized, under the auspices of the General Assembly, on the theme "People of African descent: recognition, justice and development" with the participation of Member States and all relevant specialized agencies, human rights treaty bodies, special procedures and other stakeholders.
14. That regional conferences be held in Africa, Asia, Europe, Latin America and the Caribbean, and North America, on topics related to the situation of people of African descent.
15. That OHCHR organize side events on the situation of people of African descent during the regular sessions of the Human Rights Council in 2011.
16. That a publication on the Working Group of Experts on People of African Descent be produced in the series "Fact sheets" including a compilation of the recommendations by the Working Group.
17. That participation be encouraged by the largest number of civil society representatives in activities organized for the International Year for People of African Descent and that an international network be created which is devoted to exchanging information among the various sections of NGOs representing people of African descent.
18. That arrival point sites of memory be established in all countries where Africans were relocated and in all countries that benefited from the transatlantic trade in Africans.
19. That Governments be encouraged to include in their education activities awareness-raising events relating to the observance of the International Year for People of African Descent, through, inter alia, art competitions, cultural events, awards, academic events, films and documentaries with a view to the restoration of the dignity of people of African descent.
20. That States, United Nations agencies, and regional organizations encourage cultural links between the African diaspora and the African continent