

**Recognition, protection and promotion of the rights of people of African Descent, including Afro-descendant women and girls, and particularly, the convenience of adopting a Declaration on the Promotion, Protection and Full Respect of the Human Rights of people of African Descent in the Americas**

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*Remarks by IACHR President and Rapporteur on the Rights of Persons of African Descent, Commissioner **Margarette May Macaulay***

- Ambassador **Sebastián Kraljevich Chadwick**, President of the Committee on Juridical and Political Affairs and Permanent Representative of Chile to the OAS;
- Ambassador **Luis Ernesto Vargas**, Permanent Representative of Colombia to the OAS;
- States' high authorities, speakers, and attendees.

This session calls for us to address two crucial issues: first one is the situation regarding Afro-descendant women and girls in the region, and the second is the relevance of a declaration for Afro-descendants in the Americas.

The discrimination which Afro-descendant girls and women continue to face in the region is multiple and intersectional. Although numerous measures have been adopted and continue to be implemented to eradicate the historical patterns of colonialism and enslavement disproportionately impact those of female sex that we continue to be underrepresented in decision-making spaces and continually face politically motivated gender violence in various forms.

The IACHR has taken note of results of research which that indicate that women of African descent may experience severe limitations to their right to participate in government due to the imposition of sociocultural roles which result in a lack of economic autonomy and control over of various aspects of their lives. According to available data, in some States in the region, women of African descent are even more underrepresented within political bodies than men of African descent and women of non-African descent.

On the other hand, in one of our recent reports, we IACHR highlighted that, since Afro-descendant women are more likely to be subjected to police scrutiny and criminal justice proceedings, they face a higher risk of being deprived of liberty and would therefore, be overrepresented in the various criminal justice systems in the Americas.

Policies aimed at Afro-descendant girls and women must have an intersectional approach which includes factors of age, ethno-racial background, socioeconomic condition, geographic location, and gender. On the other hand, **updated research must be generated on the economic contribution which black women make to the world economy**. We are overrepresented in domestic work, essential positions, and informal jobs, which are frequently underpaid and have precarious social security, or none at all.

States must step up their efforts to allocate sufficient resources to the collection of statistical data concerning the situation of Afro-descendant women in their penitentiary systems, taking into consideration intercultural, intersectional, and gender perspectives. It is necessary for a comprehensive review of national and international legislation and jurisprudence, in order to have the necessary tools to **remove explicit and implicit stereotypes about Afro-descendant women which have a differentiated and disproportionate impact on these women with regard to the criminal justice system**.

The IACHR notes that, in accordance with the provisions of Resolution A/RES/75/314 of 2021, of the United Nations General Assembly, granted the United Nations Permanent Forum on People of African Descent the mandate to “consider the elaboration of a United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent”.

Experts have pointed out in research articles that the Declaration could incorporate the concept of people of African descent **to consolidate the recognition of such people as a collective subject of international law in its broadest sense**. Several organizations of the black movement urge that the Declaration recognize the condition of Afro-descendant people, in all their diversity, including their right to self-determination.

Now, We consider the Declaration an important instrument for the Black movement because it would allow the consolidation of a new conceptual framework different from the *Inter-American Convention* and the *Plan of action for the decade for persons of African descent in the Americas*. However, I must emphasize that it is important to consider and understand **the legal rank which this Declaration would have in the region.** It is absolutely necessary to review the lessons learned following the adoption of the Declaration of Indigenous Peoples rights.

The Commission's view is that the declaration should include relevant issues such as reparations, climatic justice, the different types of racial violence against Afro-descendants, and the crosscutting approach of intersectionality, but we still must consider and accept the value and effectiveness of such a Declaration which would, of course, be useful for all, specially for those States, which have not, will not and shall never ratified the Inter-American Convention against racism, racial discrimination and all the forms of intolerance. We must move and take this step now in order to protect all persons of African Descent.

Thank you.