

WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

IX Session, 12 – 16 April 2010

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

1. 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.
2. 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.
3. 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.
4. 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.
5. The Working Group intends to engage with relevant UN agencies, funds and programmes to assist States with improving access to quality education at all levels for people of African descent.
6. The Working Group notes that an holistic approach, encompassing education, healthcare, 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.
7. 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.
8. The Working Group regrets that many people of African descent do not have access to quality healthcare as they are unable to afford health insurance due to the situation of poverty they endure.

9. 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 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

10. The Working Group urges States and specialized agencies of the UN, 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.
11. The Working Group recommends the establishment within the OHCHR of an observatory to review and report on progress in the implementation by Member States and specialized agencies of the UN, 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.
12. 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.
13. The Working Group calls upon States to earmark contributions to the Durban Fund (*Trust Fund for the Programme of the Decade to Combat Racism and Racial Discrimination*) to fund the participation of civil society, including relevant NGOs, in its sessions.
14. 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 XXXII adopted by the Committee on the Elimination of Racial Discrimination in 2009.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. The Working Group calls for a UN 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.
22. 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.