Palais de Nations, Geneva, Switzerland, November 23rd, 2017, Conference Room XXVII

**TOWARDS AN INTERNATIONAL DECLARATION ON THE RIGHTS OF PEOPLE OF AFRICAN DESCENT - UN**

**Pastor Elías Murillo Martínez**

CERD Member

People of African Descent are to be found all over the world. In the Americas, for example, there are an estimated 200 million. There are over 10 million in Europe, without even taking into account increasing migration flows. A close link between poverty, racism and racial discrimination has been proven, a link which disproportionately affects people of African descent and further deepens the citizenship deficit endured since slavery and the transatlantic slave trade.

The international agenda demonstrates a mounting interest in combating racism and systemic structural racial discrimination affecting people of African descent. The declarations of the International Year and the International Decade for People of African Descent, combined with headway achieved on the Rights of People of African Descent, are eloquent examples of how States are committed to overcoming these serious issues. The Committee on the Elimination of Racial Discrimination has contributed meaningfully to the advances achieved thus far and continues its labor ceaselessly.

The following topics are suggested for discussion: *1.**Who is of African descent? 2. Merits of a Declaration on the Rights of People of African Descent, and, 3. Precedents to be considered for a Declaration on the Rights of People of African Descent.*

1. ***Who is of African descent?***For this purpose, we can class them as:
2. The collective of communities, families and individuals of African ancestry who have a culture of their own, a shared history and follow their own traditions and customs - in whole or in part - within the rural-urban relationship, who demonstrate and maintain a conscious identity which distinguishes them from other ethnic groups and for who some countries provide special legislation. The concept ‘of African descent’ includes those of the African diaspora and of post-transatlantic slave trade migrations in general, who *self-identify as such*. As stated in Law 70 of 1993: Law on the Rights of Colombians of African Descent as an Ethnic Group.
3. “*... the person of African origin who lives in the Americas and in the region of the African Diaspora as a result of slavery, who have been denied the exercise of their fundamental rights*”*[[1]](#footnote-1)*.

General Recommendation, GR 34 of the Committee on the Elimination of Racial Discrimination, CERD “*For the purposes of this general recommendation, people of African descent are those referred to as such by the Durban Declaration and Programme of Action* ***and who identify themselves as people of African descent****.”*.

1. *“to be understood as ‘of African descent’ all communities and people in the world descended from the African diaspora. In Latin America, this concept refers to the different ‘black’ or ‘African-American’ cultures that arose from the descendants of Africans who survived trafficking or the slave trade across the Atlantic from the XVI to the XIX centuries[[2]](#footnote-2)”.*
2. **Merits of a Declaration on the Rights of People of African Descent:**
3. Provides an opportunity to expand the discussion and the efforts of the international community, towards the *Recognition, Justice and Development for People of African Descent.*
4. Will allow for the establishment of standards related to collective and individual rights for people of African descent, including the right to recognition as ethnic communities and groups; the right to communal ownership of their ancestral lands; the right to benefits from affirmative action measures, both individually and collectively, and to identify procedure requirements; the right to collectively conserve their natural resources; the right to the preservation of traditional knowledge and to equitable shares for genetic resources and their derivatives, and for traditional medicines and, in general, **the right to have rights** and to exercise them as fully-fledged citizens, among others.
5. It promotes the possibility of a sustained, constructive dialogue about the problems faced by people of African descent, as the disproportionate victims of racism and racial discrimination such as social profiling; hate speech, even in sports; inequalities in the justice system and disproportionate numbers in jails; special circumstances faced by migrants, including victims of human trafficking and slavery; the differentiated impact of racism on girls, boys and women of African descent, including those who have been displaced, are refugees or under asylum.
6. It presents a great opportunity to evaluate the reach and ramifications of racism and systemic structural racial discrimination affecting people of African descent and identify problems arising from slavery and the transatlantic slave trade.
7. It encourages peaceful, collective and constructive dialogue on issues that have always been contentious, such as the question of reparations: *moral, spiritual and material reparations*, which could result from adopting affirmative action measures and through international cooperation, amongst others.
8. It adds to the cohesion of the Social Movement for People of African Descent, whose spokespersons can also come together and actively participate in the discussion, even if the debate within the United Nations must be led at the behest of the States, who must commit to the Declaration.
9. The experience accumulated in the process which resulted in the adoption of the Declaration on the Rights of Indigenous Peoples and other such processes must be studied and learnt from.
10. **Precedents to be considered for a Declaration on the Rights of People of African Descent.**

In 2012, the Committee on the Elimination of Racial Discrimination, CERD, adopted the “*... contribution to the Programme of Action for the Decade for People of African Descent*”, in which, amongst others, it stressed the need for the adoption of a Declaration on the Rights of People of African descent, considering that it could bring added value towards the elimination of racism and structural racial discrimination.

In its 92nd session period the Committee evaluated the progress made by the International Decade for People of African Descent proclaimed by the United Nations General Assembly. The Committee was pleased with the special attention paid by many States Parties to issues relating to people of African descent, raised during the reviews of their respective regular reports and in their concluding observations.

The Committee noted the positive progress achieved following the launch of the Decade, specifically: The United Nations General Assembly adoption of Programme of Action for the Decade (AG, RES 69/16 of 2014, paragraph h; the Regional Meeting for Latin America and the Caribbean held in Brasilia in December, 2015; the creation of a Forum for People of African Descent in the framework of the Human Rights Council Intergovernmental Working Group sessions in Durban; Resolution AG/RES 2891 (XLVI-0/16) in which the Organization of American States, OAS, General Assembly adopted a Plan of Action for the Decade for Persons of African Descent in the Americas 2016-2025; the Decade’s launch in several countries of the Americas and in Europe, some by initiative of Heads of State and Government; and the adoption of legislative, administrative and other measures including national plans of action for the Decade amongst others.

The Committee celebrated that in the Regional Meeting on the Decade, held in Latin America and the Caribbean, the States Parties decided to “*Urge the United Nations General Assembly, in the framework of the International Decade, to convene the IV World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.*”; “*To promote an Hour Against Racism in the framework of the World Diversity Day which is celebrated on May 21 in order to enhance the recognition of People of African Descent and promote social mobilization against racism and all forms of racial discrimination*”.

The Committee restated its satisfaction with “*... the willingness expressed by the delegation of the Holy See to adopt an encyclical or other appropriate public statement addressing the importance of combating racial discrimination against people of African descent, which in the Committee’s view can play an important role in providing moral redress for the involvement of the Catholic Church in the transatlantic slave trade and the harsh policies of colonialism in Africa*”. CERD/C/VAT/CO/16-23.

In June 2017, with Brazil, South Africa and others leading the way, the Human Rights Council adopted Resolution A/HRC/35/L.17/Rev.1: Consideration of the elaboration of a draft declaration on the promotion and full respect of human rights of people of African descent.

1. Inter-American Commission on Human Rights The Situation of People of African Descent in the Americas. OEA/Ser.L/V/II. Doc. 62 5 December 2011 [↑](#footnote-ref-1)
2. |  |
   | --- |
   | Community Ethnic Development Organization, ODECO, La Ceiba, Honduras, alternative report presented to CERD. February 2014. Quoting John Anton and Fabiana Del Popolo, “Statistical visibility of people of African descent in Latin America: conceptual and methodological aspects”, CEPAL, Santiago, February 2009, pg. 20. |

   [↑](#footnote-ref-2)