



20th Session of the Working Group of Experts on People of African Descent Consultation with Civil Society
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Contribution by

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1. What are the key human rights concerns of people of African descent in your country/region today and how do you work to address them?

In Germany, key issues with regard to racial discrimination include the following:

- Lack of recognition for the main victims of racism and racial discrimination, especially people of African Descent;
- Lack of effective measures aimed at ending racial discrimination. Germany's National Action Plan against Racism neither recognises people of African descent as a targeted group nor does it present reforms for the fight against racial discrimination in legislation and practice, especially law enforcement;
- Germany's criminal system does not record racist crimes committed specifically against people of African descent, since they can only fall under the one category of politically-motivated crimes. Since the police does not record the skin color of the victims, it is not possible to establish the amount of racist crimes directed against people of African descent. This was also

acknowledged in the 19th -22nd State report to CERD where the Federal Republic of Germany states that “a precise number of racially-motivated criminal offences concerning this population group is not known since these are not separately listed in the statistics“ (p.11) ¹;

- People of African descent are an invisible minority because the census does not include the ethnic composition of Germany's population. Disaggregated data is needed in order to shed light on the human rights situation of people of African descent and other ethnic minorities;
- Racial Profiling affects people of African descent disproportionately. The German Institute for Human Rights (Deutsches Institut für Menschenrechte) has concluded that Racial Profiling - a racist practice that violates human rights - is practiced in Germany since the Federal Police Act encourages Federal police officers to profile based on ethnic ground. The German Human Rights Institute strongly recommends to repeal or change the corresponding paragraph that enables this practice in Germany. Until now little has been done to follow this recommendation. Furthermore, legal and equality bodies lack awareness on racial profiling and therefore fail to adequately respond to the experiences of the victims. Only few cases by the victims of racial profiling were successfully brought before the court. The German Human Rights Institute has reported about the Federal Police Act in its last parallel report to CERD:

Section 22 (1) (a) BPolG therefore authorises Federal police officers to act selectively without a person's conduct having to provide grounds for their being checked. The legislative objective of the checks is that a look-out should be kept for people who are residing in the country illegally. With this requirement of the legislation it stands to reason that the Federal Police select people first and foremost on the basis of phenotypic characteristics. Indeed in reality (such) external characteristics are essentially all that the police can go on when the selection can and is to be done solely through visual observation. The law thus suggests that people's residence status can be determined on the basis of phenotypic characteristics. Against this background it is clear from the provision itself that it has the effect of creating contradicts the prohibition on racial discrimination. (p.1) ²

¹ Accessed on 10 March 2017, http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICERD/icerd_state_report_germany_19-22_2013_en.pdf

² Accessed on 10 March 2017
(http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DEU/INT_CERD_IFN_DEU_20058_E.pdf)

- Despite the launch of the International Decade for People of African Descent in Germany on 7 June 2016, official steps by state authorities to further promote the human rights situation of people of African descent are still lacking. More needs to be done to recognise the Decade and implement measures for the recognition, justice and development for people of African descent in cooperation with communities.

The Kaneza Foundation for Dialogue and Empowerment raises awareness about the human rights situation of people of African descent and engages civil society and the state in formulating effective measures to overcome prejudices and racial discrimination in Germany. The Kaneza Foundation further carries out trainings and other activities aimed at building the capacities of community leaders and promoting human rights education.

2. How can the WGEPAD improve and enhance its engagement with civil society for greater impact on the ground?

The WGEPAD has the unique opportunity to engage directly with civil society during country visits. In Germany, the fact finding mission that took place from 20 – 27 February 2017, led to the contribution of several civil society organisations and community representatives. Through this interaction civil society learned about the mandate of the WGEPAD and could feel for the first time that their activism has an effect on the ground as well as at the international stage in that the WGEPAD acts as the voice for people of African descent and communicates its observations to the Government. The media statement presented at the end of the country visit highlighted the situation of people of African descent in Germany and the hopes are high that the final report will help to initiate a public and political discourse aimed at promoting the full enjoyment of their human rights and the fight against racial discrimination.

Beyond country visits the consultations of the WGEPAD as the one we have today is crucial in hearing the voices of people of African descent. Yet, it is also important to enable their active participation, considering the already precarious conditions in which civil society organisations have to work when representing the interests of people of African descent. As an OHCHR Fellow I have met several human rights advocates of African descent from different countries. And it is alarming that we have similar experiences when it comes to the limited resources and capacities faced by

civil society organisations. Not only do most of them work without the support of public funds, they also experience harassment for seeking justice for victims of racism and racial discrimination.

The WGEPAD could improve the engagement with civil society if opportunities for equal participation in UN forums could be created. This would require at least funding for representatives from the key regions where people of African descent reside in the Diaspora, such as Latin America, North America, the Caribbean, Europe and Asia. In light of the Sustainable Development Goals it will also be necessary to strengthen the cooperation with key UN agencies such as UNDP, UNESCO and UNICEF. Around the globe in countries such as Brazil, Haiti or Colombia, these agencies are working closely with local communities to make sure that the right to development is enjoyed by people of African descent and also that the history and societal contributions of people of African descent are recognised. Furthermore, the mandate and activities of the WGEPAD needs to be communicated inside the OHCHR, so that relevant country officers can disseminate the information to civil society on the ground.

3. Which human rights concerns should the WGEPAD focus on in the next three years?

In line with the theme of today's 20th session of the Working Group "**Leaving no one behind, people of African descent and the Sustainable Development Goals**" it will be important for the work of the WGEPAD to place the focus on achieving the SDGs and making them a reality for people of African descent in the next three years, especially the enjoyment of their right to development. The 2030 Agenda that stretches beyond the International Decade for People of African Descent has to be indeed viewed as the determining initiative we have today to both promote human rights as well as development concerns, and to comprehend that the two are inter-linked. It is against this background that the WGEPAD should play a key role in guaranteeing that people of African descent are not left behind in the conceptualisation and implementation of development projects, at the international, regional and national levels.

Given the recent rise of xenophobia and racial discrimination, fuelled by populists and right-wing groups, especially in Europe and the Americas, it is of utmost

importance to address the issues of racial profiling and police brutality, hate speech and racist attacks in particular against refugees of African descent. State obligation to prevent and fight racial discriminations needs to be stronger emphasized since the silence of the state or – worse – its accomplice in human rights violations sends strong messages to the society and makes racial discrimination an accepted reality. It is therefore necessary to continue holding state authorities accountable and to request them to follow-up human rights violations reported by civil society. For this end, the WGEPAD should make stronger use of its Communication Procedures and take sides against injustice, through public statements and press releases.