

## **Preliminary Conclusions and Recommendations**

### **UN Permanent Forum on People of African Descent (PFPAD)**

**Second Session, 30 May – 2 June 2023, New York City, USA**

#### **Introduction**

1. The United Nations Permanent Forum of People of African Descent (PFPAD) held its second annual session from 30 May – 2 June 2023 at the United Nations Headquarters in New York City. Its overarching theme was “Realizing the Dream: A UN Declaration on the promotion, protection and full respect of the human rights of people of African descent.” In addition to the opening of the second session and the general debate, five thematic discussions were held, including: Global Reparatory Justice; Pan-Africanism for Dignity, Justice, and Peace; Transnational Migration; Recognizing and Addressing Systemic and Structural Racism—A Data-Driven and Evidence-Based Approach; and Health, Well-Being, and Intergenerational Trauma. The event was attended by Member States, United Nations entities and approximately 900 civil society representatives from more than 85 countries, and other stakeholders from across the world participating in person and online. In addition, more than 60 side events were held. The Permanent Forum expresses its appreciation to all participants, their contributions to the conversations, conclusions and recommendations.
2. The Permanent Forum extends its thanks to all the high-level dignitaries who participated in the session: H.E. Mr. Csaba Kőrösi, President of the General Assembly; H.E. António Guterres, Secretary General of the United Nations; H.E. Ilze Brands Kehris, Assistant Secretary-General for Human Rights; H.E. Mr. Václav Bálek, President of the Human Rights Council; H.E. Volker Türk, United Nations High Commissioner for Human Rights; H.E. Natalia Kanem, Executive Director of the United Nations Population Fund; H.E. Mr. Lula da Silva, President of Brazil; H.E. Francia Marquez, Vice President of Colombia; H.E. Ms. Anielle Franco, Minister of Racial Equality of Brazil; H.E. Dr. Silvio Almeida, Minister of Human Rights and Citizenship of Brazil; H.E. Mr. Ahmed Hussen, Minister of Housing and Diversity and Inclusion, Canada; H.E. Ms. Oneidge Waldron, M.P., Minister of Tourism, Industry and Commerce, Guyana; H.E. Dr. Amery Browne, Minister of Foreign and CARICOM Affairs, Trinidad and Tobago; H.E. Mr. Michael Stanley Regan, Administrator of the

United States of America Environmental Protection Agency; Honourable Sheila Jackson Lee, Congresswoman at the United States of America House of Representatives; and Ms. Gabriela Ramos, Assistant Director-General for Social and Human Sciences at UNESCO.

3. The following conclusions and recommendations are preliminary in nature. Together with the proceedings of the first session, they will form the basis of a combined report to the 54th Session of the UN Human Rights Council, the 78th Session of the UN General Assembly, and will also be shared with civil society and other relevant stakeholders across the world.

### **Conclusions & Recommendations**

#### **DECLARATION**

4. The Permanent Forum on People of African Descent affirms its commitment to contribute to the elaboration of a UN Declaration on the promotion, protection and full respect of the human rights of people of African descent that fills gaps in, evolves, and complements already existing human rights instruments in relation to people of African descent. The Permanent Forum also values the clear commitment to the Declaration from various delegations and other stakeholders, as well as the active participation of civil society in the process of drafting the declaration. The Permanent Forum reaffirms its critical role in engaging civil society in the drafting of the Declaration.
5. The Permanent Forum reiterates that while the full and effective implementation of the ICERD and the DDPA remain the cornerstone in addressing racial discrimination against people of African descent, there is a further need for comprehensive recognition, monitoring, and effective address of systemic and structural racial discrimination—at the local, national, regional and global levels.
6. The Permanent Forum welcomes with special interest the contributions made by civil society that the elaboration of the Declaration include, inter alia: cultural and linguistic rights such as rights to preserve cultural heritage, native languages and ancestral knowledge; the right to self-determination; collective rights of peoples and communities of African descent; the right of peoples of African descent to their lands, territories and resources; rights of indigenous peoples of African descent to free, prior and informed

consent in relation to decisions that affect their rights and territories; the right to family integrity for families of African descent; the right to justice and reparations.

7. The Permanent Forum affirms that the Declaration should consider the voice and perspectives of women, youth, older persons, LGBTQI+ people, persons with disabilities, and other vulnerable groups.
8. The Permanent Forum looks forward to having a broader deliberation with the IGWG and stands ready to submit substantive contributions to the elaboration of the Declaration, together with other United Nations anti-racism mechanisms.
9. **The Permanent Forum calls on Member States to support the Permanent Forum in organizing regional consultations with civil society and other relevant stakeholders to contribute to the elaboration of the above-mentioned UN Declaration.**

#### SECOND DECADE

10. **The Permanent Forum urges the UN General Assembly to proclaim a second International Decade of People of African Descent with a view to taking further actions to bring about the full recognition, justice and development of people of African descent, bearing in mind the closure of the first Decade in 2024.**
11. **The Permanent Forum recommends that the Second International Decade for People of African Descent focuses on reparatory justice, recognition, equity, and address of systemic and structural racial discrimination at the local, national, regional and global levels.**

#### GLOBAL REPARATORY JUSTICE

12. The Permanent Forum affirms that reparations are the cornerstone of what justice looks like in the 21st century and that there can be no effective sustainable development agenda without it. As recognized by the Durban Declaration and Programme of Action, the full human dignity and rights for people of African descent require comprehensive reparatory justice. The Permanent Forum affirms that enslavement, the transatlantic trade in enslaved Africans, apartheid and colonialism are crimes against humanity and constitute genocide. The trauma and structural impacts of these crimes remain manifest in disparities in health, well-being and the enjoyment of human rights. The Permanent Forum encourages Member States to take concrete actions to educate themselves and

the public on the histories and legacies of colonialism and enslavement; recognize how they have contributed to or suffered from these histories and legacies; and to eliminate all forms of systemic and structural racial discrimination at local, national, regional and global levels. Member States should treat this as a matter of justice, not charity or aid, and in doing so centre the will, participation, and needs of people of African descent.

13. The Permanent Forum recognizes that there is no adequate legal mechanism in dealing with reparations claims for the transatlantic trade in enslaved Africans, colonialism, hundreds of years of African enslavement, and the multiplicity of related injuries and damages to Africans and people of African descent in the various countries of the world.
14. **The Permanent Forum reiterates its recommendation to promote an advisory opinion from the International Court of Justice on the legal question of reparatory justice for histories and legacies of colonialism and enslavement. Member States could also encourage that such opinions be made by other competent legal bodies, such as the Inter-American Court of Human Rights, and the European Court of Human Rights.**
15. **The Permanent Forum also recommends to Member States the following measures:**
  - a. **Promote research, education and public awareness raising on the histories and legacies of colonialism and enslavement of Africans and people of African descent.**
  - b. **Provide data and information on steps taken on reparatory justice for people of African descent.**
  - c. **Support the PFPAD to articulate with development and funding agencies the funding and promotion of the economic development of people of African descent to achieve reparatory justice and opportunities to change the realities of people of African Descent.**
  - d. **Create an international fund for the restitution and return of cultural properties and artefacts taken from Africa and the Americas. Resources of such a fund could be utilized for the creation of museums and other forms of memorialization.**

- e. **Establish a specialized International Tribunal within the United Nations to address reparations for enslavement, apartheid, genocide, and colonialism, in coordination with other United Nations anti-racism mechanisms.**

#### PAN-AFRICANISM FOR DIGNITY, JUSTICE & PEACE

16. Pan-Africanism was and still is a global movement for the liberation of Africans and people of African descent from colonialism, enslavement, subjugation, and systemic and structural racial discrimination at both the domestic and international levels. The Permanent Forum holds that a 21st Century Pan-Africanism needs to be grounded in equality, non-discrimination, and the rule of law. It must address impunity and be inclusive of all people, including women, elders, youth, persons with disabilities, migrants, and LGBTQI+ people. It must also be for environmental justice and sustainability. To put these principles in action, the Permanent Forum welcomes initiatives taken by the AU and CARICOM, and invites them to further collaborate with each other, and with the Permanent Forum and all other relevant stakeholders. The Permanent Forum recognizes the pioneering Pan-Africanism of the Haitian people and that the neo-colonial costs imposed on Haiti have contributed to its current crisis. The Permanent Forum acknowledges the Pan-Africanism espoused by the 1920 Declaration of the Rights of the Negro Peoples of the World as a forerunner to the UN Declaration on the human rights of people of African descent.
17. **The Permanent Forum recommends that UN Member States establish an informal Pan-African Group of States to build bridges of solidarity between Africa and the Diaspora, support, consult and discuss with the Permanent Forum on key Pan-African issues such as reparatory justice, sustainable development, education, cultural exchanges and racial discrimination.**
18. **The Permanent Forum welcomes with optimism a dialogue with the African Union on working together towards the realization of Agenda 2063 and the Diaspora as the 6<sup>th</sup> Region of the African Union. The Permanent Forum also looks forward to presenting its work at the annual summits of the African Union and CARICOM.**

#### TRANSNATIONAL MIGRATION

19. The Permanent Forum expresses its deep concern about the political instrumentalization of xenophobia and the rise of the harmful ideologies of demographic replacement and

reconversion, and their implications for democratic stability, peace and international security.

20. The Permanent Forum highlights that racism, structural discrimination and inequities in transnational migration disproportionately affects Africans and people of African descent, particularly women of African descent and Black African migrants crossing North Africa and the Mediterranean Sea. The Permanent Forum acknowledges crimes of enslavement, colonialism, and neo-colonialism as root causes of Haitian migration.
21. The Permanent Forum affirms that seeking asylum is a human right and stresses that the international community has a responsibility to ensure safe, orderly, regular, accompanied and equitable forms of migration for African and African descendant migrants. The Permanent Forum recognizes that transnational migration is increasingly becoming a global problem that requires global policy solutions, review, and mainstreaming, and calls on the international community to act in accordance with the 2030 Agenda for Sustainable Development, the Global Compact on Migration, and other relevant international agreements.
22. **The Permanent Forum calls on Member States to put an end to arbitrary detention, deportations and pushbacks; to separate civil migration systems from criminal legal systems; and to ensure that migration processes are purely administrative in accordance with international human rights standards and laws.**
23. **The Permanent Forum recommends that the International Organization for Migration, in consultation with Member States include disaggregated data on racial disparities in national and international migration regimes, especially as they affect Africans and people of African descent. This data should include:**
  - a. **Approximate numbers of African and African descent migrants and migration trends in various regions in the context of global flows of migration; including deaths, and location of deaths, of migrants.**
  - b. **Causes of transnational African and African descendant migration.**
  - c. **Inequities in the freedom of movement, including in access to visas for Africans and people of African descent in different countries.**
  - d. **Status of refugees of African descent in different parts of the world, including status of de facto protection of refugee rights, as well as**

**vulnerability to cruel, inhumane and degrading treatment, exploitation, and violence.**

- 24. The Permanent Forum recommends the publication of periodic review reports with policy recommendations based on the collection of such data.**

#### AN EVIDENCE-BASED APPROACH TO ADDRESSING SYSTEMIC AND STRUCTURAL RACISM

25. The Permanent Forum emphasizes that a right to comprehensive recognition of systemic and structural racial discrimination as it affects people of African descent, needs to include broader social, international, and historical contexts of systemic and structural racism.
26. The Permanent Forum emphasizes the importance of data-driven policies, including special measures, to address the inequities faced by people of African descent. Member States have the obligation to provide disaggregated data as a means to monitor, recognise and address systemic and structural racial discrimination against people of African descent at both the domestic and international levels.
27. The Permanent Forum acknowledges that comprehensive monitoring and promotion of the enjoyment of human rights of people of African descent require a systemic and structural racial equity and justice lens with:
- a. Evidence-based indicators of equal enjoyment of dignity, rights, and non-discrimination across areas of society.
  - b. Comprehensive disaggregated data-collection across areas of society.
  - c. The mainstreaming of evidence-based equity considerations in all relevant policymaking across all areas of society.
28. The Permanent Forum notes the potentially positive aspects of digital technologies and artificial intelligence (AI) in enhancing the collection and analysis of data to monitor racial discrimination and inform policymaking. However, it is concerned that inequities are being reproduced in the digital transformation of AI. The Permanent Forum urges that to address the risks of digital transformation and AI, the development of responsible and inclusive technology should be encouraged and enabled. This means developing technology that is fair, equitable, and inclusive by engaging with UN mechanisms for

this purpose, supporting research and development, raising awareness, and holding technology developers accountable.

29. **The Permanent Forum encourages Member States, specialized UN entities, and other relevant stakeholders to promote equitable access for people of African descent to artificial intelligence, including by providing technology transfer, and taking action to prevent the deepening of inequalities and algorithmic bias.**
30. **The Permanent Forum calls for the coordination of disaggregated data collection on people of African descent across UN agencies, funds, and programmes. The UN Statistics Division is encouraged to compile this data to be presented through an online interactive dashboard.**
31. **The Permanent Forum recommends that at the international level, the UN General Assembly and Human Rights Council take short- and long-term initiatives towards monitoring, recognizing, and effectively addressing systemic and structural racial discrimination against Africans and people of African descent across the world. These initiatives should take into consideration how histories and legacies of colonialism and enslavement have shaped the international order, including the global economy and relationships of power at the UN and other institutions of global governance. Such initiatives could include:**
  - a. **The drafting of guidelines for data-collection on racial inequities in the global economy, especially as they pertain to Africans and people of African descent. This could be undertaken by the UN Permanent Forum in collaboration with the UN Conference on Trade and Development, the Regional Commissions of the UN Economic and Social Council, as well as other relevant UN anti-racism mechanisms and bodies.**
  - b. **A General Assembly commemoration of the 50<sup>th</sup> anniversary of the 1974 Declaration of a New International Economic Order and the Charter of Economic Rights and Duties of States—with a focus on their understanding of structural inequities in the global economy and their continued relevance to addressing them, especially as they affect Africans and people of African descent.**



- c. **That Member States, in their efforts to establish a new international economic and financial order, recognize equity and the right to development for people of African descent, and other marginalized and excluded peoples and communities, by eradicating structural racism and discrimination.**

**32. The Permanent Forum strongly encourages the inclusion of indicators and data on racial disparities, especially as they affect people of African descent and their often multiple and intersecting forms of discrimination, in the monitoring and implementation of the sustainable development goals.**

#### HEALTH, WELL-BEING AND INTERGENERATIONAL TRAUMA

33. The Permanent Forum is concerned about the intergenerational trauma and other health disparities caused by the legacies of colonialism and enslavement, as well as the barriers in accessing healthcare by people of African descent. The Permanent Forum is also deeply concerned about the impact of racism and racial discrimination on the physical and mental health, of people of African descent as evidenced by disproportionately worse health outcomes, including higher rates of infant and maternal mortality, asthma, heart disease, diabetes, and high blood pressure—further aggravated by the COVID-19 pandemic. Taking into account the combination of economic, social, and environmental factors, the Permanent Forum believes that urgent and robust policy and practical measures are required. Timely and accurate data on health inequities, promoting medical education and capacity for people of African descent, development of ‘culturally safe’ structures and processes in healthcare systems, research and legislation on inter-generational trauma are also essential.

**34. The Permanent Forum recommends Member States to consider:**

- a. **Adopting specific programmes and policies for people of African descent that are accountable to ensure universal health coverage, including mental health services.**
- b. **Supporting the development of ‘culturally safe’ structures and processes within national systems, and private organizations surrounding healthcare, including, inter alia, safe and culturally appropriate midwifery practices.**

- c. Promoting research, education, and policymaking to address health disparities and intergenerational trauma caused by histories and legacies of systemic and structural racial discrimination, including the establishment of health infrastructures for people of African descent as an act of reparation.**
- 35. The Permanent Forum recommends that the WHO, with the participation of Member States, civil society, and other UN mechanisms, establish a task force on racial disparity, in the area of health and intergenerational trauma.**
- 36. The Permanent Forum recommends to the World Health Organization (WHO) and the Pan American Health Organization (PAHO) and other relevant stakeholders, to consider producing a report on the health status of people of African descent, including the impact of racism and racial discrimination.**
- 37. The Permanent Forum also recommends to the WHO to consider including in its work race and ethnicity as a fourth cross-cutting theme along with equity, gender and human rights.<sup>1</sup>**
- 38. The Permanent Forum recommends that the commemoration of the international day for people of African descent in 2023 focuses on the theme of health of people of African descent and encourages Member States, UN entities, civil society, and other stakeholders to undertake activities in this regard.**

## ACCESSIBILITY

- 39. The Permanent Forum expresses its deep concerns about the structural barriers and obstacles in the implementation of its mandate, such as financial and human resources constraints of the Secretariat; access by participants, in particular representatives of civil society, to meeting rooms; lack of interpretation services in Portuguese; difficulties of obtaining visas, among other issues.**
- 40. The Permanent Forum stresses the importance of increasing the participation of civil society organizations in its annual sessions and calls for adequate financial and other support to ensure their broader participation.**

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<sup>1</sup> See <https://www.who.int/activities/advancing-gender-equity-and-human-rights-through-programmes-and-policies>, and [https://www.who.int/publications/m/item/integrating-equity--gender--human-rights-and-social-determinants-into-the-work-of-who--roamap-for-action-\(2014-2019\)](https://www.who.int/publications/m/item/integrating-equity--gender--human-rights-and-social-determinants-into-the-work-of-who--roamap-for-action-(2014-2019))

41. The Permanent Forum affirms its readiness to amplify the participation and voices of civil society by developing robust civil society networks, inter- and pre-sessional consultations, and encourages the establishment of civil society-led regional and thematic committees around the Permanent Forum and its annual sessions.

42. **The Permanent Forum calls on Member States to:**

- a. Strengthen the Secretariat of the Permanent Forum; facilitate support to organize an annual intersessional meeting of the Permanent Forum; facilitate regional consultations with a view to contribute to the elaboration of the draft Declaration; and increase the number of funded civil society participants to the sessions of the Permanent Forum.**
- b. Ensure the facilitation of appropriate accessibility of all civil society participants to the annual sessions, including facilities accommodating older persons and persons with disabilities.**
- c. Provide sufficient resources for Portuguese and International Sign interpretation, including availability in simplified language, International Sign, Braille and accessible formats as well as in information about the sessions.**