**Persons of African Descent: Best practices in the promotion of equality and non-discrimination:**

Recognition: the pillar of **equality and non-discrimination and education on equality and awareness raising**.

**Concepts of equality**

CEDAW – EQUALITY and Non-Discrimination

Within CEDAW, the same concepts of equality (*de facto/de jure,* direct/indirect*,* substantive equality, equality of outcomes, transformative equality) that define the equality discourse between women and men are applied to the discourse concerning women of African descent. Concepts of multiple and intersecting discrimination are also recognized in the dialogues concerning women of African descent. Thus for Nicaragua, the Committee expressed concern at the

situation of indigenous and afro-descendent women and multiple forms of discrimination they face, which limit their *de facto* enjoyment of their human rights and full participation in all spheres of life. (CEDAW/C/NIC/CO/6)

**Terminology**

A complexity in the jurisprudence relates to the terminology. Persons (women) of African descent (P/WADs) are categorized under various terminologies, sometimes seemingly conflated with “indigenous women”. In CEDAW’s COBs, persons of African (Afro-) descent are hardly ever referred to in a paragraph without reference to “Indigenous” women, and identical recommendations being made for them both. In some other COBs, additional categories of “minority” or “migrant” women are included. While P/WADs may intersect within these groupings, they may also be outside of them. In CEDAW’S COBs, “Persons of African Descent” has been used for Peru, “women of African Descent” used for Mexico, and “Black, Asian and Minority Ethnic” for Great Britain and N. Ireland. The only reference to “Afro-Arabs” was for Iraq.

Thus to Bolivia, [CEDAW/C/BOL/CO/7 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/48c41eb8-e4dd-4376-9136-3fe6e9142e87) para 10(c), it recommended

“reinforced efforts to raise awareness of women’s rights and the means to enforce them, targeting specific groups such as indigenous women, Afro ‑ Bolivian women, women living in rural and remote areas, migrant, asylum-seeking and refugee women and women with disabilities, including by facilitating access to information on the Convention in indigenous languages and accessible formats, in cooperation with civil society and the media.”

In another set of COBs, (P/WADs) were classed with women with disabilities; women living with HIV/AIDS; migrant, asylum-seeking and refugee women; and lesbian, bisexual and transgender women and intersex persons [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) 11(d)

RIGHT TO EQUALITY AND NON-DISCRIMINATION AND EDUCATION ON EQUALITY AND AWARENESS RAISING.

CEDAW has examined the issue of discrimination against Afro-descendants against the Constitutional and legal framework of the state party in line with the core obligations of states under the Convention’s Article 2 and General Recommendation (GR) 28. In noting the State party’s efforts to develop its legislative and policy framework in respect of gender equality and non-discrimination, it expressed concern about intersecting and de facto discrimination faced inter alia by indigenous and Afrodescendant women [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) 11(d).

The Committee has specifically recognized the historical and intersecting forms of discrimination affecting indigenous and Afro-Peruvian women, and regretted the lack of visibility and priority accorded them in all initiatives of the State party to achieve their rights, and gender equality. It noted that this perpetuated their social and economic exclusion, and denied them rights guaranteed under the Convention. [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) para 9. It therefore recommended the active promotion of **temporary special measures**, including through quotas, targets, and indicators in all areas of the Convention, to provide urgent redress for women and girls subjected to historical and intersecting forms of discrimination, “such as indigenous and Afro-Peruvian women”

The Committee has further recommended budgetary resources to develop the temporary special measures aimed at accelerating substantive equality and eliminating intersectional discrimination against indigenous and Afrodescendant women, [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec)18. (d)

Article 5 of the Convention, GR 35 (2017) and GR 19 deal with gender-based stereotypes. The Committee regretted the pervasiveness of these attitudes and the social legitimization of harmful practices, deeply rooted in discriminatory stereotypes, and patriarchal attitudes. These were identified as responsible for harmful practices, gender-based violence, and domestic and sexual violence against indigenous and Afro-Peruvian women. Sites where these violations occur include public and private spaces, residential alternative care centres ([CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) para 21 a), in the delivery of health services and their engagement with the justice system [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417)21 (b).

The Committee’s recommendations to address gender-based violence against indigenous and Afrodescendant women include the implementation of all legislation and institutional measures in place to eliminate gender-based violence, targeting violence against women who face intersecting forms of discrimination, establishing benchmarks, indicators of progress and a time frame for monitoring implementation [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) para 22. (a).

Other measures are the enhancement of mechanisms to monitor the enforcement of laws criminalizing gender-based violence against women and providing for victim support services [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) para 24 (a), preventing, registering, investigating and sanctioning discrimination and gender-based violence against indigenous and Afro-Peruvian women and upholding their rights to dignity, equality and non-discrimination, and to ethnic and cultural identity ([CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) para (a)); and ensuring the provision of appropriate, accessible and quality support services responding to their needs as survivors of gender-based violence [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) (a) (i).

The Committee has also drawn attention to gender-based violence against migrant women in border areas, particularly Afrodescendant women, including those of Haitian origin, who transit through the State party’s territory of the Darién Gap, including disappearances, rape, intimidation and threats by armed non-State actors, noting the barriers to survivors’ access to justice and remedies, psychosocial and health care, and redress ([CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) para23(a)).

Under Article 7 - Equal participation in political and public life, the Committee has recommended that SPs Adopt measures to address discriminatory gender stereotypes and practices within political parties that discourage women, in particular indigenous, Afro-Peruvian and other Afrodescendants, from standing for election at the federal, state or municipal levels [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) para 30. (c). It has also recommended under Article 8 regarding women’ participation at the international level that legislation and policy measures be adopted to promote diversity and political participation at all levels, and mechanisms reinforced to facilitate women’s participation in the international arena, including the representation of indigenous and Afrodescendant in international affairs and organizations, and in leading positions at diplomatic missions. Additionally, measures should be implemented to reduce negative attitudes associated with women in high-level international leadership positions [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) 30 (e).

The Committee has made recommendations on the limited access to employment opportunities by “indigenous and Afro-Peruvian and other Afrodescendent women” [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) 35 (a). Recommendations made with regards to the employment of indigenous, Afro-Peruvian women specifically target hiring quotas and employment retention schemes.

**LEGAL, POLICY, INSTITUTIONAL, AS WELL AS EDUCATIONAL AND AWARENESS-RAISING MEASURES**

CEDAW usually makes recommendations for legal policy and institutional reform alongside its concerns. There are COBs in which a section is dedicated to indigenous and Afrodescendant women. In others they are mainstreamed throughout the COBs.

National machineries, however, are specific vehicles within the SP for policy-making for women across all strata. The absence of mechanisms across all sectors of policy to ensure appropriate consultations with and the meaningful participation of women’s organizations, including indigenous and Afrodescendant women was raised as a concern [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) 15 (c).

The justice sector provides the bridge between rights and their actualization. CEDAW’s article 15 and GR 33 In spite of reforms, the Committee noted that financial, linguistic, physical and geographical barriers to accessing justice were faced by indigenous women and Afro-Bolivian women. [CEDAW/C/BOL/CO/7 (CEDAW 2022)](https://uhri.ohchr.org/en/document/48c41eb8-e4dd-4376-9136-3fe6e9142e87) para 11(c). It also observed that stigma and discriminatory stereotypes among law enforcement officers, including the police, impeded access to justice for indigenous and Afrodescendant [CEDAW/C/PAN/CO/8 (CEDAW 2022)](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) para13 (e). To address these obstacles, the Committee recommended strengthened systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials on equality and non‑discrimination against women, and the adoption of indicators to ensure that cases of gender-based violence and discrimination against indigenous women, Afrodescendant women, are managed in a gender-sensitive manner. [CEDAW/C/PAN/CO/8 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/bce6ab3a-09bf-4dd0-afd0-1889cdac0dec) para 14 (e).

Education in the Convention’s Article 10 and GR 26, has been described as a gateway right, opening the way to, and grounding other rights, hence the CEDAW expressed concern over the insufficient implementation of regional intercultural curricula and of the 20 per cent quota for direct admissions to teacher training colleges of indigenous women and Afro-Bolivian women [CEDAW/C/BOL/CO/7 (CEDAW 2022)](https://uhri.ohchr.org/en/document/48c41eb8-e4dd-4376-9136-3fe6e9142e87) para 23 (e). It also asked for targeted measures to ensure disadvantaged and marginalized groups of girls, and in particular indigenous, Afro-Peruvian girls, have adequate access to quality education, as well as their retention in school, by Strengthening the educational infrastructure in indigenous communities and rural areas, free, reliable and safe school transport, facilitating the enrolment of girls from marginalized groups in educational institutions at all levels and ensuring adequate opportunities for indigenous girls and women to receive instruction in their own languages; [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) 34 (a) (i)-(iii).

CEDAW covers health in Article 12 and GR 24. It commended an Intercultural Family and Community Health Policy and recommended adequate, affordable and culturally appropriate coverage and resource allocation to reach rural women and girls, as well as indigenous and Afro-Bolivian women [CEDAW/C/BOL/CO/7 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/48c41eb8-e4dd-4376-9136-3fe6e9142e87) 28 (f).

Economic empowerment and social benefits covered by Article 13 are an avenue of ensuring the active participation of indigenous women, Afro-Peruvian women in the formulation and implementation of poverty reduction strategies. Committee recommends that the State party. Recommendations entail strengthening the national poverty reduction strategy with a particular focus on disadvantaged and marginalized groups of women, in particular and other Afrodescendent women [CEDAW/C/PER/CO/9 (CEDAW 2022 )](https://uhri.ohchr.org/en/document/0743107c-e04f-4f5d-b35f-2df646393417) 40. (a).

Specific recommendations were made for Women’s rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts. Targeted programmes were to address situations of hunger and malnutrition exacerbated during the pandemic in indigenous regions to reach indigenous and Afrodescendant women, and the equal participation of women, including indigenous and Afrodescendant women.

**General Recommendation 39**

On 27th October 2022, the Committee adopted General recommendation 39 on the the Rights of Indigenous Women and Girls. the GR does not contain references to Afrodescendant women. However, it distills and contains all the themes that were applicable to the two groups when they were commonly addressed in the COBs. It remains to be seen how will use the GR in addressing rights of Afro descendants. However, this provides the opportunity for specific briefings when issues relating to them are upcoming in dialogues.