

Check against delivery



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PEOPLE OF AFRICAN DESCENT**

20th session of the Intergovernmental Working Group on the Effective
Implementation of the Durban Declaration and Programme of Action

**Agenda Item 9: The Draft Declaration on the Promotion and Full Respect of the Human
Rights of People of African Descent**

Geneva, 13 October 2022



*Madame Chairperson,
Distinguished representatives
Ladies and Gentlemen*

It is an honour for me to address you as Chairperson of the Working Group of Experts on People of African Descent.

The Working Group expresses **gratitude** to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for inviting it to contribute to the elaboration of the draft Declaration on the Promotion and Full Respect of the Human Rights of People of African Descent, as obligated by the General Assembly. The outcome document is expected to be of the **highest attainable standard**, consolidating the gains in the field since the Universal Declaration of Human Rights in 1948.

During the two decades of its existence, the Working Group has gathered, articulated and published a wealth of knowledge, based on the lived experiences of people of African descent, state practice, policy and the law, which will support standard setting and the advancement of norms for inclusion in the declaration. This comprehensive body of work addresses an extensive array of areas and peculiarities including citizenship and identity, administration of justice, law enforcement, culture, education, health, family life, employment, as well redress for legacies of the past especially the trade and trafficking in enslaved Africans, colonialism and racial segregation.

Madame Chairperson, during its **twenty-second session**, held in Geneva from 19 to 23 March 2018, the Working Group focused on the “Framework for a declaration on the promotion and full respect of the human rights of people of African descent”. As part of the preparatory work, the Working Group sent a *note verbale* to all Member States, and a call for submissions on the scope of the declaration to civil society. The Working Group asked for **input on the key human rights and specific guarantees** that the draft declaration must include. It received submissions from Member States and from civil society,¹ which were incorporated in its earlier submission to the Intergovernmental Working Group.

We particularly welcome the comprehensive preparatory draft for the Declaration, prepared by the Chairperson of the Intergovernmental Working Group and we note the following with commendation.

¹ A/RES/76/226: A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, para 40.

- The ongoing consultations to ensure the participation of people of African descent in the drafting process of the declaration. The Working Group is utilising all avenues available to it to obtain the aspirations of people of African descent in this regard.
- The preparatory draft consolidates two pillars of the International Decade for People of African Descent, that is, justice and development.
- The draft expressly advances an instructive standard against racism, racial discrimination, Afrophobia, xenophobia, marginalization and related forms of intolerance against people of African descent.

With regard to specific parts of the Declaration

The Preamble—

- Recognises and enumerates the forms of exclusion and intolerances against people of African descent worldwide and Africans in the diaspora. It also affirms their effect on the purposes and principles of the UN Charter, the UDHR and the fundamental international law principles of equality and non-discrimination.
- Affirms that the Durban Declaration and Programme of Action, 2001 and subsequent political declarations provide a comprehensive framework and solid foundation for combating racism, racial discrimination, xenophobia and related intolerance.
- Recognises the **roots of contemporary violations of the rights of people of African descent** as the tragedies and legacies of the past including the trade and trafficking in enslaved Africans, colonialism and racial segregation.
- Affirms that racism, structural discrimination, xenophobia, and related intolerances are the major impediments to the realisation of the rights of people of African descent
- Acknowledges the significance of the participation and voices of Africans and people of African descent in the agenda towards transformative change for racial justice.
- Underscores the significance of action especially accountability, redress, and reparation.
- It includes a broad description of people of African descent while acknowledging the key component of self-identification.

Madame Chairperson, the Working Group requests positive consideration of the following:

- Past legacies including the trade and trafficking in enslaved Africans, colonialism and racial segregation **jointly or severally** led to racism, racial discrimination, xenophobia, and related intolerances. They should be added to paragraph 8 of the suggested formulation of the preamble accordingly.
- Para 13 of the preamble qualifies the impediments as historical, yet they are both **historical and present realities**. We propose that the word ‘historical’ is deleted from the paragraph.
- Paragraph 13 also makes specific reference to **structural discrimination**. ‘Structural discrimination’ may not cater for micro-aggressions, which also have an impact on the rights of people of African descent. Adding the phrase ‘racial discrimination’ would cater for all the various forms of race-based discrimination.
- The proposed text for the preamble does not include **recognition** of the cultural, economic, political, and scientific contributions of people of African descent. We recommend that it is added; recognition is the third pillar of the international decade for people of African descent. The Working Group considers the declaration as an opportunity to **consolidate all the pillars of the decade** in a normative framework of global relevance.

The title

The title of the Declaration represents **only two forms of human rights obligations**: to promote (raise awareness) and to respect (the negative obligation to avoid interference). Although these two obligations are essential to the rights of people of African descent, the other two obligations to protect (safeguard from violation) and to fulfil (ensure) are also very important)

It is suggested that either **all obligations are included in the title** as the Declaration for the promotion, full respect, protection, and fulfilment of the Rights of People of African Descent, or none of the obligations is mentioned and it is deemed the Declaration of the Rights of People of African Descent.

Similarly, emphasis could be made on the realisation of the rights of people of African descent by titling it the **Declaration on the Realisation of the Rights of People of African Descent**.

Madame Chairperson, The Working Group welcomes the inclusion of all **the proposed substantive provisions** for the declaration and remains seized of the development of the formulation of the text, and would tender its views on the specifics in due course, subject to the views of its constituency. We however highlight a few preliminary matters for consideration -

With regard to **Article 3, 'Descent'** should be included as one of the grounds for non-discrimination because of the likelihood and even current manifestation of descent-based discrimination among persons of African descent.

Furthermore, the **physical and mental integrity of people of African descent** is a major concern because of the interconnectedness of racial discrimination with violence. The Working Group therefore reiterates its recommendation for the declaration to explicitly provide for the right of people of African descent to physical and mental integrity and security of the person. This would call forth issues such as racial profiling, strip searches and the racial stress experienced by victims.

Age should be added to Article 23 as one of the grounds for intersectional discrimination.

Article 4 on a life free from racism and racial discrimination should call the attention of stakeholders to **racial profiling, and racial stereotyping** as forms of discrimination. It should also include **Automated or algorithmic** profiling, which reflects the tendencies of big data, automated decision making and artificial intelligence tools and methods to replicate and reinforce racial biases and lead to discrimination. Please refer to CERD general recommendation 36 (2020) on preventing and combating racial profiling by law enforcement officials for details on this.

The Working Group welcomes the dedication of a specific provision to children of African descent in the declaration and recommends that the various provisions on women and girls of African descent are equally consolidated in a particular provision.

Madame Chairperson, I would like to reiterate the Working Group's availability and readiness to contribute to and support all efforts to end racial injustice and protect the human rights of all people of African descent. We welcome the work towards a Declaration and look forward to further discussions on this important endeavour.

Thank you for your attention.