**Written Intervention on** **the Scope of the Draft United Nations Declaration on the Promotion and Full Respect of the Human Rights of People of African Descent**

**Preamble:**

1. People of African descent worldwide suffer from racial discrimination, marginalization and exclusion, among many other human rights violations at the level of civil, political, economic, cultural, and social rights. In most countries of the world, they continue to be subjected to structural racism that is embedded in the criminal justice systems as well as excessive violence by law enforcement officials. Moreover, they suffer persistently from poor access to health care, inadequate education, lack of employment opportunities, high unemployment rate, discrimination in access to housing, abuse by public authorities and officials, restrictions on their civil and political rights, discriminatory imprisonment, racial profiling, structural racial discrimination, and poor access to justice and accountability systems.
2. In the United States of America, for example, hate crimes against people of African descent have risen to unprecedented levels. According to the latest FBI report, 2871 crimes against African Americans occurred in 2020, equivalent to about half of all racial prejudice and discrimination cases in the USA this year[[1]](#footnote-1). In most US states, people of African descent live in chronic poverty at twice the rate of other populations and experience higher levels of poverty and unemployment than the rest of the population. They are underrepresented in decision-making positions in both private and public sectors and face high levels of violence and hatred perpetrated by white residents and law enforcement alike. They are constantly at risk of arrest and detention based on their ethnic and African origins. In this regard, Maat has seen reports indicating that more than one thousand people of African descent are killed every year in the USA by members of the white population and the US police forces with near-total impunity. Perhaps the killing of the three citizens of African descent; **Ahmaud Arbery**, **George Floyd** and **Jayland Walker** in February, May, and June 2020, respectively, are the most prominent examples of the racially-motivated hate crimes committed recently by US police against African Americans.[[2]](#footnote-2) Besides, the mass shooting of 10 African American people at a supermarket in Buffalo, a predominantly Black neighborhood in upstate New York, by a young white man in May 2022 is the latest racially-motivated crime monitored by Maat, which was committed by white citizens against African Americans.[[3]](#footnote-3)
3. In Qatar, Maat continues to monitor a longstanding pattern of racial discrimination, hate crimes, and other forms of grave human rights violations committed by the Qatari authorities and citizens against migrant workers of African descent, whose number is estimated at more than 100,000 workers. These patterns of racial discrimination and human rights abuses include claims of poor personal hygiene and criticism of physical appearance, discrimination in healthcare facilities, the kafala system-related abuses, poor access to prompt justice, as well as abuses behind bars and arbitrary detention. Perhaps the arrest of Malcolm Bidali, a Kenyan worker and a human rights activist, in May 2021 is the most famous incident of arbitrary detention and denial of access to prompt justice that migrants of African descent in Qatar are constantly exposed to at the hands of the Qatari authorities.[[4]](#footnote-4)
4. Based on the invitation of the Office of the High Commissioner for Human Rights to civil society organizations to share their views on the scope of the draft United Nations Declaration on the Promotion and Respect for the Human Rights of People of African Descent, and in particular, the fundamental human rights and specific guarantees to be included in the draft declaration, which is to be discussed during the IGWG 20th session, taking place in October 2022, Maat for Peace, Development and Human Rights presents its views on the draft declaration as follows

**Scope of the draft United Nations Declaration on the Promotion and Respect for the Human Rights of People of African Descent**

1. Maat for Peace, Development, and Human Rights believes that the first draft of the United Nations Declaration on the Promotion and Respect of Human Rights for People of African Descent must ensure the promotion and respect of the general and basic human rights principles. The following are Maat's proposals regarding the general structure of the United Nations Declaration on the Promotion and Respect of the Human Rights of People of African Descent and on the fundamental rights and guarantees that such a declaration should contain:

**Legal and Policy Frameworks**

1. States should repeal laws and regulations as well as amend or eliminate widespread customs and practices that prevent people of African descent from living independently in society. Legal and policy frameworks must enable people of African descent to be fully integrated into society and ensure the development of comprehensive community support systems and public services for people of African descent. These frameworks support the possibility of establishing a mechanism for reparations for people of African descent and provide access to effective remedies for victims of human rights violations of people of African descent.

**Equality and non-discrimination**

1. People of African descent have the right to the full enjoyment, collectively or individually, of all human rights and fundamental freedoms recognized in the UN Charter, the Universal Declaration of Human Rights, and international human rights law without discrimination.
2. People of African descent are free and equal with all other individuals and have the right to be free from any discrimination in enjoying their rights, in particular, discrimination based on their origin or identity.
3. States shall make effective mechanisms to prevent any propaganda directed against people of African descent, which aimed at encouraging or inciting racial or ethnic discrimination.
4. States shall take effective measures, in consultation and cooperation with people of African descent, to combat prejudice and eliminate discrimination, and promote tolerance, understanding, and good relations between people of African descent and other segments of society.

**Civil and political rights**

1. Everyone of African descent has the right to life, physical and mental integrity, liberty, and personal security.
2. Everyone of African descent has the right to citizenship by the same procedures that apply to other populations.
3. Everyone of African descent has the right to stand for election, administer his country's public affairs and hold a high office like others.
4. Everyone of African descent has the right to the full enjoyment of freedom of opinion and expression, access to information, peaceful assembly and association, the right to a fair and prompt trial, and other political rights enshrined in the Universal Charter on Human Rights and the International Covenant on Civil and Political Rights.

**Economic, social and cultural rights**

1. Everyone of African descent has the right to practice, revitalize and manifest African spiritual and religious rites and cultural traditions and customs, including the right to preserve, protect and develop past, present, and future manifestations of African culture, such as paintings, artifacts, ceremonies, visual arts, performing arts, and literature.
2. Everyone of African descent has the right to revive, use and improve African languages, oral traditions, philosophies, written canons and literature and pass them on to future generations.
3. Everyone of African descent has the right to receive education, at all levels and forms, and be enrolled in public and private educational institutions of the state they reside in like other groups without discrimination. They must have the right to establish and control their educational systems and institutions and to provide education in their mother languages through their cultural methods of teaching and learning.
4. People of African descent have the right to enjoy all rights guaranteed under international labor law and national labor laws applicable in the countries they reside in without discrimination based on origin or skin color.
5. Everyone of African descent has the right not to be subjected to employment or wages discriminatory conditions.
6. Everyone of African descent has the right to the highest attainable physical and mental health, healthcare services, and healthcare facilities without discrimination.
7. People of African descent have the right to improve their economic and social conditions, particularly in education, employment, vocational training, retraining, housing, sanitation, health, and social security.
8. People of African descent have the right to participate in the development and identification of health, housing, and other economic and social programs that affect them directly and to administer such programs through their institutions.
9. People of African descent have the right to declare their African cultural identity, which does not affect their right to acquire the nationality of the states they live in.

**Rights of specific persons or groups (women, children and people with disabilities)**

1. Children of African descent have the right to enjoy, on an equal basis with other children, all rights enshrined in the Convention on the Rights of the Child, including the right to nationality, education, health care, and other rights.
2. People of African descent with disabilities have the right to enjoy, on an equal basis with other persons with disabilities, all the rights enshrined in the Convention on Persons with Disabilities, including the rights to nationality, education, health, freedom from exploitation, and violence, independent living and inclusion in Community, personal mobility, and other rights under the Convention on Persons with Disabilities.
3. States should recognize that women and girls of African descent face multiple forms of discrimination based on color and African descent and an increased risk of violence, exploitation, and abuse compared to other women.
4. Women and girls of African descent have the right to enjoy, on an equal basis with other women and girls, all the guarantees and protections against discrimination outlined in the Convention on the Elimination of All Forms of Discrimination against Women.
5. States shall take specific measures to protect children of African descent from economic exploitation and from performing any work which may be dangerous to them or interfere with their education, or harmful to their health or physical, mental, spiritual, moral, or social development; taking into account their own weaknesses and the importance of education to empower them.
6. States shall take measures to ensure that women and children of people of African descent enjoy protection and guarantees against all forms of violence and discrimination.
7. Nothing in the present draft declaration can be construed as diminishing or nullifying the rights granted to people of African descent under any of the international human rights instruments, declarations, or conventions.
1. 2020 Hate Crimes Statistics, The United States Department of Justice,May 5, 2022, link: <https://bit.ly/3oL2S5J> [↑](#footnote-ref-1)
2. مؤسسة ماعت تدين مقتل شاب أمريكي على يد الشرطة، مؤسسة ماعت للسلام والتنمية وحقوق الانسان، 5 يوليو 2022، الرابط: <https://bit.ly/3zKPWDe> [↑](#footnote-ref-2)
3. Buffalo shooting: Black Americans describe grief and fear, BBC, 16 May 2022, link: <https://bbc.in/3JkM27b> [↑](#footnote-ref-3)
4. العمال المنحدرين من اصل افريقي في قطر.. ضحايا بلا حقوق، مؤسسة ماعت للسلام والتنمية وحقوق الإنسان، 11 نوفمبر 2021، الرابط: <https://bit.ly/3Smx9oT> [↑](#footnote-ref-4)