



**THE REPUBLIC  
ATTORNEY GENERAL'S CHAMBERS  
MINISTRY OF JUSTICE  
MARINA PARADE  
BANJUL**

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15<sup>th</sup> August 2022

The Anti-Racial Discrimination Section  
Office of the United Nations  
Commissioner for Human Rights  
CH-1211, Geneva 10

Dear Sir/Madam,

RE: REQUEST OF INPUTS FOR DRAFT UNITED NATIONS DECLARATION ON THE PROMOTION AND FULL RESPECT OF THE HUMAN RIGHTS OF PEOPLE OF AFRICAN DESCENT

This office is in receipt of your diplomatic note bearing reference RRDD/ARDS/YB/SA/JF in respect of the above subject-matter requesting that The Gambia share its views on the scope of the draft United Nations Declaration on the Promotion and Full Respect of the Human Rights of People of African Descent and in particular the key human rights and specific guarantees the draft Declaration should include.

Following the resolutions on the follow up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action; and in the light of the alarming global rise in hate speech, incitement to racial discriminations, hostility and violence, the intolerance of migrants and refugees as well as people of African descent, it has become imperative to take steps to address these hostilities.

Since the conclusion of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001, the world seems to have experienced even more instances of discrimination against people of African descent.

Special mention needs to be made of the instances of different forms of slavery and exploitation, as well as the treatment of people of African descent in the midst of the Mediterranean Migrant Crisis.

The plight of the refugees and migrants on journeys to Africa's Mediterranean coast have been highlighted by the UN Refugee Agency UNHCR. The instances of severe abuse and exploitation faced by Africans in Libya have been well documented over the past few years. Some sanctions were imposed on the criminals perpetuating these abuses and deaths, whilst others have been arrested. These crimes have been reportedly perpetuated by smugglers, trafficking rings, and even state agents.

In extreme cases such as these, it may be necessary to impose sanctions not only on the perpetrators of the crimes, but also on the State to ensure that actual real steps are taken to prevent the loss of lives and severe human rights violations that occur within its borders. We understand that this may not be the most popular method of ensuring human rights are protected but such drastic measures should only be reserved for drastic situations such as the gross human rights violations that have occurred in Libya in the past few years. It is apparent that counting on the voluntary cooperation of states in such situations do not yield the results required in these circumstances.

It is the position of The Gambia that all refugees should be guaranteed the right to dignity, respect, freedom from inhumane and degrading treatment whilst within the borders of any State.

In states where there are economic problems which negatively impact resources of the state and employment, there is a tendency for xenophobic attacks to be perpetuated. Frustrated individuals are wont to cast blame on persons of other nationalities in their countries that they perceive to be doing well or better than them. People have taken to venting their frustrations on social media by vocalizing hate speech against foreign nationals who they perceive as threats to their livelihood/economy and encouraging people to shun such foreign nationals or incite others to wish to harm such persons.

We recommend that the draft declaration include the protection of persons of all nationality from being the victims of hate speech, and hate crimes whilst within the territory of another country.

It may be necessary to encourage that local legislation be enacted to provide for redress for victims of such hate speech and hate crimes or any form of racial treatment at the hands of individuals, entities or the state.



Yakarr Henalda Cox  
Principal State Counsel  
For: Solicitor General & Legal Secretary