

Chairperson's document compiling existing human rights language on issues pertaining to the draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent

(10.10.23)

Introduction

The following document has been prepared pursuant to General Assembly resolution A/RES/76/226, by which the General Assembly requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) to devote at least half of its annual session to the elaboration of a draft United Nations Declaration on the promotion and full respect of the human rights of people of African descent

In order to facilitate discussions during the IGWG's 20th session (10 - 21 October 2022), the Chairperson of the IGWG drafted a preparatory document which highlighted the challenges and the human rights of people of African descent. The document was the result of a systematic review of existing international human rights law and based on inputs from various stakeholders.

During its 20th session, the IGWG made substantive advancements in its first reading of the Chairperson's preparatory document for a draft Declaration on the respect, protection and fulfilment of the human rights of people of African descent. The IGWG further invited its Chairperson to review her preparatory document, taking into consideration existing human rights language.

The present document has been prepared by the Chairperson in response to this request, and to facilitate the process of negotiations and advancement towards a draft Declaration. It includes paragraphs adopted by the IGWG during its 20th session. It also proposes additional elements for further discussion during the drafting process and compiles previously agreed human rights language at the United Nations level¹, on issues pertaining to the draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent. The issues of the additional elements are based on submissions received from the Working Group of Experts on People of African descent and the Permanent Forum on People of African Descent, as requested by GA resolution A/RES/76/226. This text is a working document and remains subject to change.

¹ Particularly, the Durban Declaration and Programme of Action, the Programme of Activities for the Implementation of the International Decade for people of African descent and the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, all of them adopted by resolution of the General Assembly.

Title

Elements for the Draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent (Adopted by IGWG)

Preamble

Reaffirming our commitment to the purpose and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights, (Adopted by IGWG)

Reaffirming also that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, (Adopted by IGWG)

Affirming that racism, racial discrimination, xenophobia, and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations and of the Universal Declaration of Human Rights and that equality and non-discrimination are fundamental principles of international law, (Adopted by IGWG)

Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and the need to respect human rights and fundamental freedoms for all without distinction of any kind, such as race, colour, sex, age, language, religion, disability, political or other opinion, national or social origin, property, birth or other status, (Adopted by IGWG)

Convinced of the fundamental importance of universal accession to or ratification of, and full implementation of States' obligations arising under, the International Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance, (Adopted by IGWG)

Recalling General Assembly resolution 75/314, by which the Assembly decided to establish the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant

stakeholders, with a mandate to consider the elaboration of a United Nations declaration on the promotion and full respect of the human rights of people of African descent, (Adopted by IGWG)

Welcoming the positive role that the United Nations, regional systems of human rights, national human rights institutions and civil society have played in advocating for the respect, protection and fulfilment of the human rights of people of African descent, (Adopted by IGWG)

Noting with appreciation the agenda towards transformative change for racial justice and equality presented by the United Nations High Commissioner for Human Rights, which is aimed, inter alia, at encouraging States to ensure that the voices of Africans, of people of African descent and of those who stand up against racism are heard and that their concerns are acted upon, and to acknowledge and confront legacies of slavery and colonialism, including through accountability and redress, (Adopted by IGWG)

Acknowledging the historical roles of people of African descent in affirming and promoting that all human beings are born free and equal in dignity and rights, and are entitled to all human rights and fundamental freedoms, including through abolitionist, decolonial, and human and civil rights movements, (Adopted by IGWG)

Recognizing the important economic, social, cultural, political and scientific contributions made by people of African descent to our societies, and encouraging States to acknowledge those contributions, (Adopted by IGWG)

Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men and women of all ages as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies, (Adopted by IGWG). We further notes that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed; [DDPA, par. 100] (New)

With a view to closing those dark chapters in history and as a means of reconciliation and healing, *we invite* the

international community and its members to honour the memory of the victims of these tragedies. We further note that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so; [DDPA, par. 101] (New)

We are aware of the moral obligation on the part of all concerned States and call upon these States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices; [DDPA, par. 102] (New)

We also Strongly reaffirm as a pressing requirement of justice that victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, as enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination; [DDPA, par. 104] (New)

Recognizing that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent were victims of colonialism and continue to be victimized by its lasting consequences; and acknowledging that the suffering caused by colonialism, wherever and whenever it occurred, must be condemned and its reoccurrence prevented, (Adopted by IGWG)

Recognizing with concern that the legacies of colonialism, in all their manifestations, such as economic exploitation, inequality within and among States, systemic racism, ~~violations of indigenous peoples' rights,~~ contemporary form of slavery and damage to cultural

heritage, have a negative impact on the effective enjoyment of all human rights; New [HRC resolution A/HRC/RES/48/7, preamble par. 9]

Concerned about the pace of implementation and progress shown in terms of reparatory justice and the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance against people of African descent; and urging the international community to respond to, take responsibility for and repair the violations of human rights against people of African descent across the world, (Adopted by IGWG)

Expressing deep concern that the social, economic, political and legal structures and practices that were designed and shaped by enslavement, colonialism and successive racially discriminatory policies and systems still persist and acknowledging that they must be transformed, as their effects contribute to social and economic inequalities and environmental injustices in many parts of the world today, (Adopted by IGWG)

Considering that the situation of people of African descent varies from region to region, and from country to country, and that they frequently experience racism, racial discrimination, xenophobia and related intolerance and that those are the major historical impediments to the realization of their human rights, (Adopted by IGWG)

Convinced that people of African descent face multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, age, language, religion, political or other opinion, social origin, property, birth, disability or other status, (Adopted by IGWG)

Cognizant of the need for sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, including for people of African descent, and recognizing the need to respect, protect and fulfil civil, political, economic, social and cultural rights, including the right to development, and in accordance with their own aspirations, needs and interests, (Adopted by IGWG)

Determined to promote multilateralism, and calling for solidarity and closer collaboration within and between States, and with other stakeholders, in the fight against all

forms of racism, racial discrimination, xenophobia and related intolerance aimed against people of African descent, (Adopted by IGWG)

Convinced that the present Declaration will significantly advance concrete measures against racism, racial discrimination, xenophobia, marginalization and related forms of intolerance aimed against people of African descent, in the contexts of their specific cultures and distinctive identities, and contributes towards the promotion of racial equality and justice for people of African descent, strengthening the rule of law, democracy, peace and the development of societies as a whole, (Adopted by IGWG)

Article 1 People of African descent (Adopted by IGWG)

The present Declaration applies to all people who identify themselves as people of African descent. Self-identification, for persons, populations and communities of African descent, shall be regarded as a fundamental criterion for determining the subjects of the rights recognized in the present Declaration. (Adopted by IGWG)

Article 2 Equality and non-discrimination (Adopted by IGWG)

1. All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the present Declaration, without distinction of any kind, such as race, colour, sex, age, language, religion, disability, political or other opinion, national or social origin, property, birth or other status. (Adopted by IGWG)

2. Special measures, where appropriate, to address structural disparities and de facto inequalities affecting the rights of people of African descent shall not be considered discrimination under the present Declaration. (Adopted by IGWG)

Article 3 (Adopted by IGWG) Right to a life free from racism and racial discrimination

1. People of African descent have the right to be free from any kind of racism, racial discrimination, xenophobia

and related forms of intolerance in the exercise of their rights, in any sphere of life, public or private, both online and offline. (Adopted by IGWG)

2. To this end, States shall take appropriate measures:

(a) To correct and redress the legacies and impacts of colonialism and enslavement; (Adopted by IGWG)

(b) To prevent, combat and eliminate racism, racial discrimination, xenophobia, and other forms of related intolerance, with a view to promoting racial equality and justice, paying special attention to multiple forms of discrimination and racist violence, as well as racial profiling, racial stereotyping and algorithmic bias; (Adopted by IGWG)

(c) To ensure, in conjunction with people of African descent, that women and girls of African descent enjoy the full protection and guarantees against all forms of violence and discrimination. (Adopted by IGWG)

Article 4

State obligations to promote full and effective equality and to prevent, combat and eliminate racism, racial discrimination, xenophobia and other forms of intolerance and violence (Adopted by IGWG)

1. States shall fully and effectively implement the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action, as the main international instruments and guidance for the elimination of racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, as well as implement the programme of activities for the International Decade for People of African Descent, and consider implementing the agenda towards transformative change for racial justice and equality presented by the United Nations High Commissioner for Human Rights. (Adopted by IGWG)

2. States shall take concrete actions to guarantee the enjoyment of all human rights of people of African descent in full equality, de jure and de facto, such as the following: (Adopted by IGWG)

(a) Remove all obstacles that prevent the equal enjoyment of all civil, political, economic, social and cultural rights, including the right to development and the right to a clean, healthy and sustainable environment, by people of African descent; (Adopted by IGWG)

(b) Consider withdrawing, as a matter of urgency, their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and other reservations that are incompatible with the object and purpose of the Convention; (Adopted by IGWG)

(c) Consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not done so; (Adopted by IGWG)

(d) Undertake a comprehensive review of domestic legislation with a view to identifying, amending and abolishing provisions in order to effectively combat direct or indirect discrimination; (Adopted by IGWG)

(e) Adopt or strengthen anti-discrimination legislation to make it comprehensive and ensure its effective implementation; (Adopted by IGWG)

(f) Provide effective protection for people of African descent, and review and repeal all laws that have a discriminatory effect on people of African descent facing multiple, aggravated or intersecting forms of discrimination; (Adopted by IGWG)

(g) Promote the effective implementation of national and international legal frameworks against racism, racial discrimination, xenophobia and other forms of violence and intolerance, including measures to acknowledge, correct and redress the lasting consequences of colonialism, slavery and the transatlantic slave trade; (Adopted by IGWG)

(h) Adopt, strengthen and implement action-oriented policies, programmes and projects to combat racism, racial discrimination, xenophobia and related intolerance, designed to ensure the full and equal enjoyment of human rights and fundamental freedoms by people of African descent; (Adopted by IGWG)

(i) Adopt special measures, such as affirmative action policies, where appropriate, to alleviate and remedy disparities and structural disadvantages in the enjoyment of

human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent structural disparities and de facto inequalities resulting from historical circumstances; (Adopted by IGWG)

(j) Elaborate and implement national plans of action to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all; (Adopted by IGWG)

(k) Establish and/or strengthen national mechanisms or institutions with a view to formulating, monitoring and implementing policies to combat racism, racial discrimination, xenophobia and related intolerance and promoting racial equality, with the participation of representatives of people of African descent; (Adopted by IGWG)

(l) Establish and/or strengthen independent national human rights institutions, as appropriate, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and/or similar mechanisms with the participation of civil society, and provide them with adequate financial resources, competence and capacity for protection, promotion and monitoring to combat racism, racial discrimination, xenophobia, Afrophobia and related intolerance. (Adopted by IGWG)

Article 5 **Preventing and combating racism and hate speech** **(Adopted by IGWG)**

1. States shall develop comprehensive strategies to ensure the right to freedom of opinion and expression, while taking all measures necessary to prevent and combat the dissemination of racist messages and those that result in racial discrimination, xenophobia, or any form of intolerance and discrimination. (Adopted by IGWG)

2. States shall adopt and implement legal frameworks that allow for prosecuting those responsible for incitement to racial hatred and hate crimes and for disseminating racist materials, including through new information technologies and social media. (Adopted by IGWG)

3. States shall take effective and appropriate measures, including legal measures as appropriate, to combat all acts of racism, in particular the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, or violence, as well as racist propaganda activities and participation in racist organizations. (Adopted by IGWG)

4. States shall address contemporary forms of racism and racial discrimination, including those derived from the use of automation tools, artificial intelligence and information technology – including algorithmic bias, with a view to preventing and combating racial profiling. (Adopted by IGWG)

5. States shall take appropriate measures to ensure all people equal and affordable access to and use of the Internet as an international and equal forum, and promote participation and representation of different segments within societies in media organizations. (Adopted by IGWG)

Article 6

Promotion and recognition of, and respect for, the culture, history and heritage of people of African descent (Adopted by IGWG)

1. States shall promote greater knowledge and recognition of, and respect for the historical contributions of people of African descent to the growth and development of the global economy; their historical contribution to the conservation of biological diversity, and development of the sustainable use of genetic resources; and the contribution of their traditional knowledge and languages to scientific knowledge. (Adopted by IGWG)

2. States shall recognize the domestic and international histories and heritages, and cultural and other contributions to societies, of people of African descent. States shall also raise awareness of and take educational measures on the histories, heritages and cultural and other contributions to societies of people of African descent. (Adopted by IGWG)

3. States shall adopt and implement comprehensive programmes to recognize, disseminate and promote knowledge about the cultures, histories and heritages of

people of African descent, including but not limited to research and education programmes, with a view to restoring the dignity of people of African descent. (Adopted by IGWG)

4. States should ensure that textbooks and other educational materials reflect historical facts accurately as they relate to past tragedies and atrocities, in particular slavery, the slave trade, the transatlantic slave trade and colonialism, so as to avoid stereotypes and the distortion or falsification of these historical facts, which may lead to racism, racial discrimination, xenophobia and related intolerance, including the role of respective countries therein. [GA Res. International Decade A/RES/69/16, par. 12.g] (New)

Article 7 Educational systems (Adopted by IGWG)
(New Alternative title) [Right to equal access to education](#)

1. States shall commit themselves to ensuring access to free primary education for all girls and boys, and access for adults to lifelong learning and education, based on respect for human rights, diversity and tolerance, without discrimination of any kind. (Adopted by IGWG)

2. States shall ensure that quality education is accessible and available in areas where communities of African descent live, particularly in rural and marginalized communities, with attention to improving the quality of public education; [GA Res. International Decade A/RES/69/16, par. 22.a] (New)

3. States shall ensure access to education and promote access to new technologies that would offer Africans and people of African descent, in particular women and children, adequate resources for education, technological development and long-distance learning in local communities. States are also urged to promote the full and accurate inclusion of the histories and contributions of Africans and people of African descent in the education curriculum. (Adopted by IGWG)

4. States shall ensure equal access to education for all in law and in practice, and refrain from any legal or any other

measures leading to imposed racial segregation in any form in access to schooling. (Adopted by IGWG)

5. States should take measures to ensure that public and private education systems do not discriminate against or exclude children of African descent, and that they are protected from direct or indirect discrimination, negative stereotyping, stigmatization, bullying and violence from peers or teachers; to this end, training and sensitization should be provided to teachers and measures should be taken to increase the number of teachers of African descent working in educational institutions. [GA Res. International Decade A/RES/69/16, par. 22.b] (New)

6. States shall take further measures by:

(a) Establishing and implementing standardized methods to measure and track the educational performance of disadvantaged children and young people; [DDPA, par. 123.d] (New)

(b) Committing resources to eliminate, where they exist, inequalities in educational outcomes for children and young people; [DDPA, par. 123.e] (New)

(c) Supporting efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance; and [DDPA, par. 123.f] (New)

(d) Establishing financial assistance programmes designed to enable all students, regardless of race, colour, descent or ethnic or national origin, to attend institutions of higher education; [DDPA, par. 123.g] (New)

8. States shall take appropriate measures to ensure equal opportunities for and access to higher education by students of African descent through, inter alia, positive or affirmative action measures, mentorship programmes and university curricula that reflect their needs and interests, paying particular attention to the rights and special needs of women, children and persons with disabilities of African descent. (Adopted by IGWG)

9. Urges States to adopt, where applicable, appropriate measures to ensure that ~~persons belonging to~~

~~national or ethnic, religious and linguistic minorities~~ **people of African descent** have access to education without discrimination of any kind and, where possible, have an opportunity to learn their own language in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they may be subjected to; [DDPA, par. 124] (New)

Article 8

Data collection, analysis and use (Adopted by IGWG)

1. States shall collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures that are necessary to regularly assess the situation of people of African descent, bearing in mind that:

(a) Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the individuals, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;

(b) The statistical data and information should be collected with the objective of monitoring the situation of people of African descent, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information;

(c) The information should reflect economic and social indicators related to people of African descent, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income, in order to

facilitate the elaboration of social and economic development policies with a view to closing the existing gaps in social and economic conditions. (Adopted by IGWG)

Article 9

Right to development and measures against poverty (New)

1. Consistent with the Declaration on the Right to Development, States should adopt measures aimed at guaranteeing active, free and meaningful participation by all individuals, including people of African descent, in development and decision making related thereto and in the fair distribution of benefits resulting therefrom. [GA Res. International Decade A/RES/69/16, par. 19] (New)

2. Recognizing that poverty is both a cause and a consequence of discrimination, States should, as appropriate, adopt or strengthen national programmes for eradicating poverty and reducing social exclusion that take account of the specific needs and experiences of people of African descent, and should also expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes. [GA Res. International Decade A/RES/69/16, par. 20] (New)

3. States should implement actions to protect ancestral groups of people of African descent. [GA Res. International Decade A/RES/69/16, par. 21] (New)

Article 10

Right to participation (New)

1. States should adopt measures to enable the full, equal and effective participation of people of African descent in public and political affairs without discrimination, in accordance with international human rights law. [GA Res. International Decade A/RES/69/16, par. 16] (New)

Article 11

Right to employment (New)

1. States should take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, in particular people of African descent, including migrants, and ensure the full equality of all before the law, including labour law, and eliminate barriers, where appropriate, to participation in vocational training, collective bargaining, employment, contracts and trade union activity; access to judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions. [GA Res. International Decade A/RES/69/16, par. 23] (New)

2. Urges States and encourages non-governmental organizations and the private sector:

(a) To support the creation of workplaces free of discrimination through a multifaceted strategy that includes civil rights enforcement, public education and communication within the workplace, and to promote and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance; [DDPA, par. 104 (a)] (New)

(b) To foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital through, inter alia, community development banks, recognizing that new businesses can have a positive, dynamic impact on communities in need, and to work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas; [DDPA, par. 104 (b)] (New)

(c) To improve the prospects of targeted groups facing, inter alia, the greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination;” [DDPA, par. 104 (c)] (New)

Article 12

Right to health (New)

1. States should take measures to improve access to quality health services for people of African descent; [GA Res. International Decade A/RES/69/16, par. 14] (New)

2. States shall adopt measures to fulfil the right of ~~everyone~~ **people of African descent** to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance; [DDPA, par. 109] (New)

2. States are encouraged to work with non-governmental organizations and the private sector: [DDPA, par. 110] (New)

(a) To provide effective mechanisms for monitoring and eliminating racism, racial discrimination, xenophobia and related intolerance **faced by people of African descent** in the health-care system, such as the development and enforcement of effective anti-discrimination laws; [DDPA, par. 110.a] (New)

(b) To take steps to ensure equal access to comprehensive, quality health care affordable for **people of African descent** ~~all~~, including primary health care for medically underserved people, facilitate the training of a health workforce that is both diverse and motivated to work in underserved communities, and work to increase diversity in the health-care profession by recruiting on merit and potential women and men from all groups, representing the diversity of their societies, for health-care careers and by retaining them in the health professions; [DDPA, par. 110.b] (New)

(c) To work with health-care professionals, community-based health providers, non-governmental organizations, scientific researchers and private

industry as a means of improving the health status of marginalized communities of **people of African descent**, in particular victims of racism, racial discrimination, xenophobia and related intolerance; [DDPA, par. 110.c] (New)

(d) To work with health professionals, scientific researchers and international and regional health organizations to study the differential impact of medical treatments and health strategies on ~~various communities~~ people of African descent; [DDPA, par. 110.d] (New)

(e) To adopt and implement policies and programmes to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services; [DDPA, par. 110.e] (New)

Article 13

Right to housing (New)

1. Recognizing the poor and insecure housing conditions in which many people of African descent live, States should develop and implement policies and projects as appropriate aimed at, inter alia, ensuring that they gain and sustain a safe and secure home and community in which to live in peace and dignity. [GA Res. International Decade A/RES/69/16, par. 25] (New)

Article 14

Children of African descent's rights (New)

1. States shall, in collaboration where necessary with international organizations, having the best interests of the child as a primary consideration, provide protection against racism, racial discrimination, xenophobia and related intolerance against children of **African descent**, especially those in circumstances of particular vulnerability, and to pay special attention to the situation of such children when designing relevant policies, strategies and programmes. [DDPA, par. 55] (New)

Article 15

Intersectional discrimination (New)

1. States should adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status. [GA Res. International Decade A/RES/69/16, par. 26] (New)

2. States should mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent, including in the area of sexual and reproductive health and reproductive rights in accordance with the Programme of activities for the implementation of the International Decade for People of African Descent, the Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, and ensure adequate access to maternal health care. [GA Res. International Decade A/RES/69/16, par. 27] (New)

4. States shall incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on women of African descent, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities; [DDPA, par. 50] (New)

5. States shall adopt all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls of **African descent** and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant

international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls; [DDPA, par. 62] (New)

6. States shall involve women, especially women **of African descent** ~~victims of~~, in decision-making at all levels when working towards the eradication of racism, racial discrimination, xenophobia and related intolerance, and to develop concrete measures to incorporate race and gender analysis in the implementation of all measures, particularly in the fields of employment programmes and services and resource allocation; [DDPA, par. 51] (New)

Article 16

Migrants of African descent (New)

1. States shall guarantee the elimination racial discrimination against migrants **of African descent**, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance. [DDPA, par. 51] (New)

2. Host countries of migrants of African descent should consider the provision of adequate social services, in particular in the areas of health, education and adequate housing, as a matter of priority, in cooperation with United Nations agencies, regional organizations and international financial bodies; also these agencies should provide an adequate response to requests for such services. [DDPA, par. 33] (New)

3. States shall take measures to address the root causes of displacement and of finding durable solutions for refugees and displaced persons **of African descent**, in particular voluntary return in safety and dignity to the countries of origins, as well as resettlement in third countries and local integration, when and where appropriate and feasible [DDPA, paras. 52-54] (New)

Article 17 (New)

Right to Equality Before the Law and Equal Protection of the Law

1. States should take concrete actions, by:

(a) Introducing measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice; [GA Res. International Decade A/RES/69/16, para. 17.a] (New)

(b) Designing, implementing and enforcing effective measures to eliminate the phenomenon popularly known as “racial profiling”; [GA Res. International Decade A/RES/69/16, para. 17.b] (New)

(c) Eliminating institutionalized stereotypes concerning people of African descent and applying appropriate sanctions against law enforcement officials who act on the basis of racial profiling; [GA Res. International Decade A/RES/69/16, para. 17.c] (New)

(d) Ensuring that people of African descent have full access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination, and the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination; [GA Res. International Decade A/RES/69/16, para. 17.d] (New)

(e) Adopting effective and appropriate measures, including legal measures as appropriate, to combat all acts of racism, in particular the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, violence or incitement to racial violence, as well as racist propaganda activities and participation in racist organizations; States are also encouraged to ensure that such motivations are considered an aggravating factor for the purpose of sentencing; [GA Res. International Decade A/RES/69/16, para. 17.e] (New)

(f) Facilitating access to justice for people of African descent who are victims of racism by providing the requisite legal information about their rights, and providing legal assistance when appropriate; [GA Res. International Decade A/RES/69/16, para. 17.f] (New)

(g) Preventing and punishing all human rights violations affecting people of African descent, including violence, acts of torture and inhuman or degrading treatment, including those committed by State officials; [GA Res. International Decade A/RES/69/16, para. 17.g] (New)

(h) Ensuring for **people of African descent who are** victims of racial discrimination, including victims of torture and ill-treatment, access to all appropriate legal procedures and free legal assistance in a manner adapted to their specific needs and vulnerability, including through legal representation; [DDPA, par. 161] (New)

(i) Ensuring the protection against victimization of complainants and witnesses of acts of racism, racial discrimination, xenophobia and related intolerance, and to consider measures such as, where appropriate, making legal assistance, including legal aid, available to complainants seeking a legal remedy and, if possible, affording the possibility for non-governmental organizations to support complainants of racism, with their consent, in legal procedures; [DDPA, par. 162] (New)

(j) Ensuring that people of African descent, like all other persons, enjoy all the guarantees of a fair trial and equality before the law as enshrined in relevant international human rights instruments, and specifically the right to the presumption of innocence, the right to assistance of counsel and to an interpreter, the right to an independent and impartial tribunal, guarantees of justice, and all the rights to which prisoners are entitled; [GA Res. International Decade A/RES/69/16, para. 17.h] (New)

(k) Adopting special measures to facilitate increased participation of people of African descent in the judiciary and in law enforcement; [GA Res. International Decade A/RES/69/16, para. 15.c] (New)

Article 18

Special measures (New)

1. States shall adopt and implement special measures, such as affirmative action, where appropriate, for alleviating and remedying disparities in the enjoyment of human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent or structural disparities and de facto inequalities resulting from historical circumstances. As such, States should develop or elaborate national plans of action to promote diversity, equality, social justice, equality of opportunity and the participation of all. By means of, inter alia, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and to realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination. [GA Res. International Decade A/RES/69/16, par. 18] (New)

2. States are encouraged to adopt special measures or positive actions for ~~the victims of racism, racial discrimination, xenophobia and related intolerance~~ **people of African descent** in order to promote their full integration into society. Those measures for effective action, including social measures, should aim at correcting the conditions that impair the enjoyment of rights and the introduction of special measures to encourage equal participation of all ~~racial and cultural, linguistic and religious groups~~ in all sectors of society and to bring all onto an equal footing. Those measures should include measures to achieve appropriate representation in educational institutions, housing, political parties, parliaments and employment, especially in the judiciary, police, army and other civil services, which in some cases might involve electoral reforms, land reforms and campaigns for equal participation; [DDPA, par. 108] (New)

Article 19

Right to remedy and reparation for racial discrimination rooted in slavery (New)

1. ~~We~~ Acknowledging that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that ~~Africans and people of African descent, Asians and people of Asian descent and indigenous peoples~~ were victims of these acts and continue to be victims of their consequences; [DDPA, par. 13]

2. ~~We~~ Recognizing that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that ~~Africans and people of African descent, and people of Asian descent and indigenous peoples~~ were victims of colonialism and continue to be victims of its consequences. ~~We~~ Acknowledging the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. ~~We~~ Further regrets that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today; [DDPA, par. 14]

3. [...] Victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. [GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, para. 8] (New)

4. Urges States to reinforce protection against racism, racial discrimination, xenophobia and related intolerance by ensuring that all persons have access to effective and adequate remedies and enjoy the right to seek from competent national tribunals and other national institutions just and adequate reparation and satisfaction for any damage as a result of such discrimination. It further underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination and draws attention to the need for judicial and other remedies to be made widely known, easily accessible, expeditious and not unduly complicated; [DDPA, par. 165] (New)

5. People of African descent have the individual and collectiveⁱ right to an effective remedy and adequate reparationⁱⁱ for the impacts and lasting effectsⁱⁱⁱ of enslavement,^{iv} the transatlantic trade and trafficking in enslaved Africans and people of African descent, as recognized in article 8 of the Universal Declaration of Human Rights (UDHR),^v in article 2 numeral 3 of the International Covenant on Civil and Political Rights,^{vi} article 6 of the International Convention on the Elimination of Racial Discrimination (ICERD),^{vii} and in the Durban Declaration and Programme of Action,^{viii} on the enjoyment of their rights. (New)

6. States have the obligation to [...] provide effective remedies, including reparation, to **people of African descent, individual and collective^{ix} for the impacts of enslavement,^x the transatlantic trade and trafficking in enslaved Africans as they constitute crimes against humanity under international law^{xi}**, as described in the Basic Principles and Guidelines on the right to a Remedy and Reparation for Victims of Gross Violations International Human Rights Law and Serious Violations of International Humanitarian Law [[Based on GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, par. 3 (d)] (New)

7. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of

international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim. [GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, para. 15.] (New)

8. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution,^{xii} compensation,^{xiii} rehabilitation,^{xiv} satisfaction^{xv} and guarantees of non-repetition^{xvi}. [GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, para. 18.] (New)

9. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law. [GA resolution on Basic Principles and Guidelines on the Right to a Remedy and Reparation A/RES/60/147, Annex, preamble, par. 6]^{xvii}

10. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive. [GA resolution on Basic Principles and

Guidelines on the Right to a Remedy and Reparation
A/RES/60/147, Annex, preamble, par. 7]

Article 20 (New)

Land rights over ancestral lands

1. People of African descent, where appropriate, have the right to exercise the right to property and to the use, conservation and protection of lands traditionally occupied by them and to natural resources in cases where their ways of life and culture are linked to their utilization of lands and resources. [GC on Racial discrimination against people of African descent CERD/C/GC/34, par. 4.a] (New)

Article 21

(New)

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that people of African descent currently have or may acquire in the future. [UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 28.1]

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society. [UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 28.2]

Article 22

(New)

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the

Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. [UNDRIP, art. 46.1]

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society. [UNDRIP, art. 46.2]

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith. [UNDRIP, art. 46.3]

ⁱ GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, preamble, par. 9. “Noting that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,”

ⁱⁱ GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES//60/147, preamble, par. 1. “Recalling the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights,¹ article 2 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 39 of the Convention on the Rights of the Child, and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, and articles 68 and 75 of the Rome Statute of the International Criminal Court,”

ⁱⁱⁱ See the exceptions to the intertemporal principle in Report of the International Law Commission to the General Assembly, A/56/10, para. 15: “Breach consisting of a composite act.

1. The breach of an international obligation by a State through a series of actions or omissions defined in aggregate as wrongful occurs when the action or omission occurs which, taken with the other actions or omissions, is sufficient to constitute the wrongful act.

2. In such a case, the breach extends over the entire period starting with the first of the actions or omissions of the series and lasts for as long as these actions or omissions are repeated and remain not in conformity with the international obligation.”

See also the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the General Assembly, A/74/321, para. 32.: “In accordance with the draft articles on responsibility of States for internationally wrongful acts, States owe obligations to make reparations for a wide range of violations of international law, including violations of treaty law, as well as crimes against humanity, human rights violations and violations erga omnes. However, the draft articles codify a fairly strict standard regarding a State’s international responsibility and the associated obligation to make reparations. The draft articles decline to discuss the obligations of States to repair harms caused by legal acts, concluding instead that States only incur international responsibility for acts that are both internationally wrongful and attributable to the State. Similarly, the widely recognized intertemporal principle limits State responsibility for reparations to those acts that were internationally wrongful at the time the State committed them. However, the intertemporal principle is not an absolute bar.

Extensions in time for international responsibility apply when:

(a) an act is ongoing and continues to a time when international law considered the act to be a violation; or

(b) the direct ongoing consequences of the wrongful act extend to a time when the act and its consequences are considered internationally wrongful. Both of those exceptions are vital to the context of reparations related to transatlantic slavery and colonialism, given the continuing legacies of racial discrimination discussed above.”

See also, Resolution adopted by the Human Rights Council on Negative impacts of colonialism on the enjoyment of human rights A/HRC/RES/48/7, preamble, par. 9.: “Reaffirming that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights, and regretting that measures to eliminate colonialism by 2020, as called for by the General Assembly in its resolution 65/119 of 10 December 2010, have not been successful,”

^{iv} Rome Statute of the International Criminal Court, art. 7, para. 1, lit. c. and para. 2, lit. c.: “Article 7. Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(...)

c. Enslavement

(...)

2. For the purpose of paragraph 1:

(...)

(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;”

^v UDHR, Art. 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

^{vi} ICCPR, Art. 2, num. 3.: “3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.”

^{vii} ICERD, Art. 6: “States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”

^{viii} DDPA paras. 160, 165, 166, see above Article 21, Right to remedies and reparations, paras. 10, 11 and 12. For DDPA paras 161, 162, see above Art. 17 Right to Equality before the law paras. 1 (h) and (i)

^{ix} GA Res. on Basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, preamble, par. 9 and para. 8.

Preamble par. 9: "Noting that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,"

Para. 8. "For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."

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See also Report of the Secretary General on the Implementation of the International Decade for People of African descent, A/78/317 para. 64. "States should consider a plurality of measures to address the past legacies of enslavement and colonialism and their lasting consequences with a view to seeking the truth, defining the harm, pursuing justice and reparations, and contributing to non-repetition and reconciliation."

^{xi} For DDPA, paras. 13 -15 see above Article 21, Right to remedies and reparations, paras. 1,2 and 5. See also GA resolution on Responsibility of the States for internationally wrongful acts A/RES/56/83 arts. 1-3.

"Article 1 Responsibility of a State for its internationally wrongful acts. Every internationally wrongful act of a State entails the international responsibility of that State.

Article 2 Elements of an internationally wrongful act of a State

There is an internationally wrongful act of a State when conduct consisting of an action or omission:

(a) Is attributable to the State under international law; and

(b) Constitutes a breach of an international obligation of the State.

Article 3 Characterization of an act of a State as internationally wrongful

The characterization of an act of a State as internationally wrongful is governed by international law. Such characterization is not affected by the characterization of the same act as lawful by internal law."

^{xii} Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property. [GA resolution on Basic Principles and Guidelines on the right to a Remedy and Reparation A/RES/60/147, Annex, par. 19]

^{xiii} Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious

violations of international humanitarian law, such as: [GA resolution on Basic Principles and Guidelines on the right to a Remedy and Reparation A/RES/60/147, Annex, par. 20]

- (i) Physical or mental harm;
- (ii) Lost opportunities, including employment, education and social benefits;
- (iii) Material damages and loss of earnings, including loss of earning potential;
- (iv) Moral damage;
- (v) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services. [GA resolution on Basic Principles and Guidelines on the right to a Remedy and Reparation A/RES/60/147, Annex, para. 20]

^{xiv} (c) Rehabilitation should include medical and psychological care as well as legal and social services. [GA resolution on basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, par. 21] (New)

^{xv} (d) Satisfaction should include, where applicable, any or all of the following:

- (i) Effective measures aimed at the cessation of continuing violations;
- (ii) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (iii) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (iv) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (v) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (vi) Judicial and administrative sanctions against persons liable for the violations;
- (vii) Commemorations and tributes to the victims;
- (viii) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels. [GA resolution on basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, par. 22]

^{xvi} Guarantees of non-repetition should include, where applicable, any or all of the following measures, which will also contribute to prevention:

- (i) Ensuring effective civilian control of military and security forces;
- (ii) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- (iii) Strengthening the independence of the judiciary;
- (iv) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;
- (v) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
- (vi) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;
- (vii) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;
- (viii) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law. [GA resolution on basic principles and guidelines on the right to a remedy and reparation A/RES/60/147, Annex, par. 23]

^{xvii} See Principle 23 of Updated Set of principles for the protection and promotion of human rights through action to combat impunity “.... Prescription shall not apply to crimes under international law that are by their nature imprescriptible”. E/CN.4/2005/102/Add.1