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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA
AND ALL FORMS OF DISCRIMINATION**

**Report of the Working Group of Experts on People
of African Descent on its first and second sessions*
(Geneva, 25-29 November 2002, and 3-7 February 2003)**

Chairperson-Rapporteur: Mr. Peter Lesa Kasanda

* This document was submitted late to the Documents Management Section because of the dates of the second session of the Working Group.

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Introduction

1. The Working Group of Experts on People of African Descent held its first (inaugural) session from 25 to 29 November 2002 and its second session from 3 to 7 February 2003, at the Palais des Nations in Geneva. This is a consolidated report of the meetings of those two sessions.

I. ORGANIZATION OF THE SESSIONS

A. Attendance

2. The Working Group held six public meetings and two private meetings during its first session. During its second session, it held eight public meetings and two private meetings.

3. The first session was attended by the following members: Mr. Peter Lesa Kasanda (Chairperson-Rapporteur), Mr. Georges Nicolas Jabbour, and Ms. Irina Moroianu-Zlătescu. The three experts were joined by Mr. Roberto Borges Martins at the second session.

4. The first session of the Working Group was attended by observers for 53 States, 21 non-governmental organizations, one specialized agency, one intergovernmental organization, one United Nations office, and one national institution. The second session was attended by observers for 59 States, 18 non-governmental organizations, three specialized agencies, three United Nations offices, two intergovernmental organizations, and one national institution. The list of participants is contained in annexes III and IV.

B. Documentation

5. The documents before the Working Group at its two sessions are listed in annex IV. All working papers submitted are available from the secretariat or can be found at <http://www.unhchr.ch/html/menu2/7/b/mafrican.htm>.

C. Organization of work

6. At the first meeting of the first session, on 25 November 2002, the Working Group, in accordance with its mandate, adopted its agenda (see annex I).

7. At the first meeting of the second session, on 3 February 2003, the Working Group, in accordance with its mandate, adopted its agenda (see annex II).

II. SUMMARY OF THE FIRST SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT, 25 TO 29 NOVEMBER 2002

8. The United Nations Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, opened the first session on 25 November 2002, stating that in studying the problems of racial discrimination faced by people of African descent, the breadth of international law that protects the human rights of all must be borne in mind. He urged

participants to consider how other United Nations mechanisms such as the Special Rapporteurs of the Commission on Human Rights as well as the treaty bodies might be able to contribute to the activities of the Working Group. He encouraged all participants to extend their constructive support and input to the experts as they held this very first session.

9. At the first meeting, Mr. Peter Lesa Kasanda was elected by acclamation as Chairperson-Rapporteur of the Working Group on People of African Descent. In his introductory statement, he stated that the creation of the Working Group opened another chapter in the worldwide struggle against racial discrimination. He mentioned that the Working Group presented an opportunity to exchange ideas and that its purpose was to propose constructive solutions to various problems faced by people of African descent.

10. At the first meeting, the Chairperson-Rapporteur introduced agenda item 5 (a) concerning “problems of racial discrimination faced by people of African descent living in the diaspora and to discuss how to gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them”. He called for a general exchange of ideas on the item.

11. The observers for Barbados, Chile (on behalf of GRULAC) and Haiti stated that this Working Group was an historic milestone in the work of the United Nations and gave their support to its mandate. The Working Group heard several other interventions by observers in support of its work and mandate.

12. The observer for Nigeria (on behalf of the African Group) advised the Working Group to strive for concrete achievements within the shortest period of time, and encouraged other Member States to participate effectively to achieve justice. The observer for Jamaica stated that the issue of reparations was of considerable importance to that country.

13. Several observers for AFRECure (All for Reparations and Emancipation) made interventions concerning the historical enslavement of Africans, contemporary “enslavement” of Africans through the prison system, and they argued for the need for reparations and repatriation to Africa to ameliorate these problems. One observer for AFRECure also stated that there was an historical difference in the experiences of Afro-descendants vis-à-vis Africans in the diaspora, and that this should be borne in mind by the Working Group.

14. The observer for the African Canadian Legal Clinic stated that equitable education available to people of African descent often did not translate into socio-economic mobility. He also stated that racial profiling and incarceration, which tended to foster criminals, were also problems affecting people of African descent.

15. The Commission on Human Rights’ Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, highlighted the complexities of the mandate of the Working Group. He stated that slavery was the first form of globalization in history because it linked three continents through economic exploitation and the forced transfer of populations. He emphasized that it was fundamental that the Working Group consider the ideological and intellectual ramifications of the slave trade when studying the problems faced by people of African descent.

16. Observers for the African Society of Comparative and International Law and the Movement Against Racism and for Friendship among Peoples commented on the lack of participation of non-governmental organizations which were not accredited to the Economic and Social Council, and urged the experts to address this situation.

17. At the second meeting, the Chairperson-Rapporteur introduced the revised programme of work of the Working Group. Mr. Kasanda also announced that the Working Group had taken a decision to expand the participation of non-governmental organizations to the Working Group by authorizing the attendance of interested non-governmental organizations who were accredited to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He stated that this decision would take effect immediately.

18. At this meeting, Mr. Jabbour introduced agenda item 5 (b), recalling that the sub-item provided an opportunity to consider the proposal of measures “to ensure full and effective access to the justice system by people of African descent”. Mr. Jabbour stated that, around the world, there was a tendency for people of African origin (who were usually poor as well) to be disproportionately penalized regardless of the legal system. He submitted that this disproportionality pointed to errors in the criminal justice system and so it would be important to look into sentencing trends and to monitor the situations in prisons as well.

19. Ms. Zlătescu stated that it would be important to monitor the situation of racial discrimination and the human rights of people of African descent within the framework of the six core international human rights treaties, and through the various treaty-monitoring mechanisms.

20. Mr. Kasanda also commented on the problems of access to justice faced by people of African descent and pointed to problems in many national legal aid systems. He also noted that access to equitable education presented the most effective solution, particularly for women of African descent, to the problems facing people of African descent worldwide.

21. The observer for the Espacio Afro-Americano informed the Working Group that the follow-up seminar of experts for the World Conference organized by the Office of the High Commissioner for Human Rights in Mexico City in July 2002 adopted very good recommendations on the administration of justice, such as national plans of action to improve criminal justice, specialized training in human rights for State officials, and diversity of recruitment in personnel. She encouraged the countries of the region to muster the political will to implement these very good recommendations.

22. An observer for AFRECure (All for Reparations and Emancipation) raised the idea of a fair and impartial international ombudsperson to look into problems of criminal justice, especially in the prison system, the public defender system and police services. Another observer for AFRECure stated that the International Covenant on Civil and Political Rights was a good entry point to consider this issue and said that existing United Nations instruments should be studied and used to improve access to justice by people of African descent.

23. The observer for Costa Rica agreed that there was a link between poverty and imprisonment rates and stated that it was time to move from specific recommendations to action. He stated that the administration of justice and the role of education were very important because they provided the knowledge and ability to defend one's rights. He added that experienced regional organizations and institutes should be engaged for their expertise.

24. A number of other observers for non-governmental organizations made general comments on the issues of racial profiling, disproportionate imprisonment amongst people of African descent (particularly young people), the trend of privatizing prisons for profit, the constitution of juries and issues of bias, as well as access by people of African descent to legal education and the legal profession.

25. At the second meeting, Ms. Zlătescu introduced agenda item 5 (c) concerning the submission of "recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent". She underscored the need for the elimination of persistent racial images and stereotypes, which are at the foundation of racial profiling. She highlighted the role of the media and stated that to understand the present one must look at history, even if it appeared to be very distant.

26. The observer for Haiti pointed to the need to counteract negative profiling with positive images by highlighting the contribution of people of African descent in all spheres and in all sectors of every society.

27. Some non-governmental observers pointed to the negation of African-descent culture by the mass media, and the need to address this bias and exclusion manifest in written and published materials, schoolbooks and print journalism. It was also added that there was a need to look into the psychological aspects of this negative profiling.

28. At its third and fourth meetings, the Working Group considered agenda items 5 (d) (i), (ii) and (iii) concerning the elaboration of short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent.

29. Mr. Kasanda introduced the items briefly and pointed to the need for effective poverty reduction strategies at the national and international levels. In this regard, he discussed the possibility of joint and comprehensive programming by the World Bank, the International Monetary Fund and the United Nations, as well as the need for funding at the national level.

30. Mr. Jabbour noted the widespread economic disadvantage experienced by many people of African descent and mentioned that perhaps a "Marshall Plan" stemming from "ethical responsibility" could be instituted to help the poorest of the poor. He agreed with Mr. Kasanda on increasing the role of financial and development institutions in helping to address the situation of people of African descent in the various regions of the world.

31. The observer for Brazil shared detailed information about affirmative-action programmes in Brazil in such areas as admittance to undergraduate and graduate schools, entrance to the foreign service as well as diplomatic postings, and in the government tendering process. He submitted that these programmes could serve as effective good practices in addressing some of the issues facing people of African descent. He stated that the idea of an international ombudsman regarding people of African descent was a proposal worth further consideration.

32. The observer for China stated that while slavery and the slave trade in effect contributed to the prosperity of the countries involved, people of African descent continued to be marginalized in many ways. He added that effective proposals were necessary to correct the unfavourable situation in which many people of African descent found themselves. He stated that it would be useful to look into the possibility of a voluntary fund to assist the participation of people of African descent in the Working Group.

33. The observer for Costa Rica pointed to the increased need for the political participation of people of African descent in society and that more time and study should be given to this issue by the Working Group. He stated that it was good to ensure substantive linkages to the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance so that the Working Group maintained them as a focus in its work. He also supported the idea of a voluntary fund for the participation of African-descent non-governmental organizations in the Working Group as it would ensure that broader views were brought to the group.

34. The observer for Cuba stated that he regretted that the Working Group of Experts on People of African Descent did not have an expert from the Western Group, and he recommended that the Chairperson of the Commission on Human Rights use his prerogative to designate a "roster expert" from that region. He underscored the importance of a fund to assist representatives of Afro-descendants' communities to participate in the future Working Group sessions, saying that a voluntary fund would encourage broad-based and long-term participation. He emphasized the importance of access to post-secondary education as a solution to some of the problems facing people of African descent, and the indivisibility of all human rights - economic, social, political and civil as well as the right to food and adequate housing.

35. The observer for Nigeria (on behalf of the African Group) stated that, in studying the issues of people of African descent, the Working Group should consider the provisions of paragraphs 157 and 158 concerning "effective remedies, recourse, redress and other measures at the national, regional and international levels" contained in the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

36. The observer for South Africa stated that the Working Group should consider the concept of education and the human rights of people of African descent as it is articulated in the Declaration and Programme of Action of the World Conference.

37. The observer for the International Federation of University Women underscored the importance of studying the links between health, human rights and racial discrimination. She added that poor women of African descent were disproportionately affected and that their issues must be given greater attention.

38. Some observers for non-governmental organizations pointed to the need for gender sensitive “affirmative action” programmes to improve the situation of poverty, lack of education and violence faced by women of African descent.

39. The observer for AFRECure (All for Reparations and Emancipation) said that the meeting on Afro-descendants in La Ceiba, Honduras, held in 2001, recognized Afro-descendants as a minority with collective human rights under the International Covenant on Civil and Political Rights. He added that the Working Group on Minorities had considerable expertise on the issues of people of African descent and that the Working Group of Experts on People of African Descent should engage this expertise. Another observer of AFRECure highlighted the importance of “teaching about the facts and truth of history” as articulated in paragraph 98 of the Programme of Action of the World Conference, and stated that a forum or mechanism was required to ensure this.

40. The observer for Espacio Afro-Americano stated that it was important for States to recognize Afro-descendant communities as ethnic or racial groups with constituent lands and that they fund local projects in these communities in areas such as criminal justice, health, sanitation and education.

41. It was noted that it would be useful to share information about the issues facing people of African descent as well as good practices achieved through collaboration with various human rights bodies and intergovernmental organizations. This could be achieved through specialized papers, publications and annual reports, as well as through a web site configuration.

42. Several observers for AFRECure (All for Reparations and Emancipation) argued that people of African descent, particularly in the Americas, had been profoundly deprived of their cultural, religious and linguistic identities as well as their human rights by slavery and that recognition of this, as well as reparations and/or repatriation, were necessary to remedy the situation.

43. At its fifth meeting, the Chairperson-Rapporteur introduced the draft set of conclusions and recommendations prepared by the members on the basis of the first session. The Working Group heard some comments from observers on this draft.

44. In order to clarify the scope of its mandate and generate a concerted effort in addressing the problems of racial discrimination facing people of African descent, each of the three experts undertook to prepare a paper on a substantive topic and to submit it to the Working Group at the next session, as follows: (a) Mr. Peter Lesa Kasanda would prepare a paper on the identification and definition of “people of African descent”, exploring how racial discrimination is manifested in the various regions; (b) Mr. Georges Nicolas Jabbour would prepare a paper on the issue of reparations and people of African descent; and (c) Ms. Irina Zlătescu would prepare a paper on how to use United Nations human rights mechanisms effectively to protect and promote the human rights of people of African descent.

45. The Working Group also invited Mr. Doudou Diène, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to prepare a paper on existing historical memorial sites that commemorate slavery and the slave

trade worldwide and their cultural, educational and healing significance and submit it to its second session. It also invited the World Bank to prepare and present at its next session a paper on the work that it is undertaking to mainstream the issues of Afro-descendants in the Latin American and Caribbean region in its programmes and operations.

46. At the sixth meeting, the Working Group heard further comments on the draft. There was also a discussion concerning whether consideration of the trans-Saharan slave trade was within the mandate of the Working Group of Experts on People of African Descent and thus whether it should be reflected in the set of conclusions and recommendations of the Working Group. There were several interventions from the floor. The observer for Egypt maintained that the Working Group was a follow-up initiative of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and, as such, a reading of paragraph 13 of the text of the Declaration and Programme of Action implied that only the transatlantic slave trade was to be considered by the Group. The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance was of the view that, as studied by the UNESCO Slave Route Project, the Working Group should consider the phenomena of the transatlantic, Mediterranean and Indian Ocean slave trades.

47. The Working Group also considered the organization of work of the second session. The Chairman-Rapporteur closed the meeting by thanking the observers for having expressed their concerns, views and expectations to the Working Group. He added that the first session provided an opportunity to exchange views and information, but that it was a first step as the Working Group began studying the problems facing people of African descent.

III. SUMMARY OF THE SECOND SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT, 3 TO 7 FEBRUARY 2003

48. On 3 February 2003, the United Nations High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, opened the second session of the Working Group of Experts on People of African Descent. He welcomed the participants to the meeting and reminded them that the challenge facing the Working Group was to generate recommendations that would make a concrete difference where it matters most - in the daily lives of people of African descent. He added that there was an urgent need to address the problem of poverty experienced by victims of racism, including people of African descent. He paid particular tribute to the civil society actors which were at the forefront of bringing the human rights issues of people of African descent to the attention of the international community. He added that the Working Group had the potential to be a very important catalyst for the implementation of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

49. Also at the first meeting, the Chairperson-Rapporteur, Mr. Peter Lesa Kasanda, made some introductory remarks about the second session, and discussed the programme of work. He then introduced his paper (E/CN.4/2003/WG.20/WP.3) entitled "Identification and definition of 'people of African descent' and how racial discrimination is manifested in various regions". He noted some demographic trends, the historical bias against blacks, issues of invisibility,

economic disenfranchisement, dislocation from the history of Africa, manifestations of racial discrimination in Western cultures in sectors such as employment, housing, public amenities and law enforcement, as well as in the African region. He then invited comments and input on his exposition.

50. Mr. Kasanda welcomed Mr. Martins, in particular, and invited him to make some introductory statements as this was his first meeting. Mr. Martins commended Mr. Kasanda on his paper, and stated that the African population of Brazil was second only to that of Nigeria, and that this was the result of the transatlantic slave trade. He continued that there existed in Brazil an enormous social and economic gulf between whites and *Afro-descendentes*, and that this was a matter of concern to many Brazilians. He hoped to contribute to the Working Group the experiences in Brazil, his knowledge about current policies and initiatives of the Brazilian Government, and his professional expertise as an economist who had studied issues facing people of African descent for many years.

51. The observer for Algeria stated that people of African descent had in the past and for several centuries been considered chattel and treated inhumanely. He stated that the international community must confront this history and work to achieve an international community where the human rights of all were acknowledged, promoted and protected. He regretted that there was still no expert appointed by the Western Group as the Working Group would benefit from input from this region.

52. The observer for Brazil raised the matter of whether people of African descent could be considered a "homogeneous" group, whether they faced similar problems, and as a result whether recommendations to improve their situation should be different for each group. The Chairperson commented that people of African descent were not a homogeneous group, but that in the countries where they lived they often faced similar problems of racial discrimination, underdevelopment, disproportionate poverty and marginalization.

53. The observer for International Possibilities Unlimited welcomed comments by the High Commissioner for Human Rights and the observer of Costa Rica acknowledging the link between poverty and racial discrimination. She also added that environmental racism and the issues of unequal access to justice as well as the lack of justice within the justice system required greater attention by the Working Group.

54. The observer for the December Twelfth Movement stated that people of African descent were not a homogeneous group, but that their homogeneity was in their skin colour and the discriminatory treatment in many sectors that resulted therefrom. He commented that the experts would benefit from holding some of its sessions in the regions where people of African descent inhabited, as meetings in Geneva were not easily accessible to people of African descent.

55. The observer for the African Society of International and Comparative Law stated that the Working Group should also pay attention to the situation of people of African descent in Asia and the Middle East as well.

56. At the second meeting, Mr. Doudou Diène, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented his paper (E/CN.4/2003/WG.20/WP.2), “Promotion et signification des lieux de mémoire de l’esclavage”. He stated that the fight for human rights was the fight for memory, and as such the slave trade could be considered one of the greatest historical silences because the memory of slavery and slaves were neither preserved nor protected. To this end, he noted the importance of preserving and restoring “physical history” such as archives, buildings and forts, disembarkation spots and slave markets, cotton fields, mines and cemeteries as part of the physical memory of slavery and the slave trade. He equally argued for the pressing need to restore the spiritual and intangible memory of slaves and the slave trade for they are the “historical consciousness” of a great many people of African descent. He recommended the rehabilitation, restoration and promotion of physical places as well as intangible aspects of memory and the integration of this history in the shared memory of a nation.

57. Mr. Martins commented on the presentation by Mr. Diène and added that it was also important to preserve places of slave resistance as well. He pointed to Brazil’s experience of *kilombo di palmares* wherein former slaves built free societies within society, often lasting several decades. Mr. Martins also noted the importance of involving and increasing the number of researchers of African descent in the research, preservation and restoration of such national history.

58. The presentation by Mr. Diène elicited extensive interest, discussion and questions. The Working Group commended national initiatives by some countries to preserve and address their nation’s history, such as the case of Belgium where a national museum presents the history of the relations between Belgium and the Congo, and Norway for its financial support for the UNESCO Slave Route project.

59. The observer for Haiti reminded the Working Group to consider the specificity of the experiences of people of African descent in Caribbean countries, where they faced discrimination although they were often in the majority. She added that it was important to disseminate and publicize UNESCO’s publications and documents about slavery and the slave trade widely especially for those people of African descent who were unable to attend the Working Group.

60. The observer for Uruguay noted the persistent problem of “invisibility” of people of African descent in Latin America, and the fact that invisibility applied to the fact that countries were often unwilling to recognize that people of African descent experience racial discrimination. He added that the review of educational curricula which teaches all of a nation’s history was required in many Latin American countries. He informed the Working Group that Uruguay was working with OHCHR on a workshop on the implementation of the human rights of people of African descent to take place later this year.

61. The observer for Proceso de Comunidades Negras en Colombia said that it was important to look at the issues of intellectual property and also territorial rights of people of African descent in the Americas.

62. The observer for China noted that the reluctance and refusal to remedy the situation of people of African descent and to pay reparations was itself a manifestation of racial discrimination. He encouraged concerned Governments to not distort historical facts and to have the “consciousness and courage” to pay compensation.

63. At the third meeting, Mr. Georges Jabbour presented his paper (E/CN.4/2003/WG.20/WP.1) entitled “Some personal thoughts on reparations and people of African descent” to the Working Group. He commented that “reparations” were an emotional and controversial issue and that, while the World Conference against Racism did not consider “reparations” per se, there was a “silent consensus” as the Conference made pronouncements that proclaimed slavery a crime against humanity. He considered the legal concept and meaning of “monetary” and “moral” reparations. He discussed the “three-sided” material reparations relationship and possible elements to be taken into consideration in the calculation of reparations and made suggestions on how to proceed in studying the matter of reparations, noting that the issue, ultimately could only be solved politically.

64. Mr. Martins commented on the need for a wide variety and means of material reparations to undo the disadvantage and damage caused by the slave trade. Mr. Kasanda said that the issue was not a recent one and appeared to be firmly on the international agenda.

65. The observer for Egypt noted that the study of reparations must not focus solely on material damages, there was a need to look at various forms of reparations, including apologies or national expressions of regret.

66. The observer for Costa Rica cautioned against discussions that exceeded the mandate of the Working Group and stated that the issues of reparations and crimes against humanity were controversial issues at the World Conference which should not be reopened.

67. The observer for the December Twelfth Movement stated that he agreed with the assertion by the expert, Mr. Jabbour, about what reparations were not, that is, social welfare programmes, affirmative action policies and international aid and assistance programming. He continued that the concept of moral reparations did not speak to the question of underdevelopment experienced by people of African descent in all spheres, and that this is what needed repairing.

68. The observer for Interfaith International stated that the matter of reparations was implied in paragraph 4 (d) of the mandate of the Working Group and that it might be useful to approach regional groups with a plan on how to move forward to study the idea of reparations so as to build common ground and encourage dialogue.

69. The Working Group discussed the many issues raised by Mr. Jabbour’s paper. It was agreed that there was a need for more refinement of the process and that the various aspects of reparations, its ramifications, must be carefully and thoughtfully explored.

70. At the fourth meeting, Mr. Roberto Martins gave a visual presentation on the situation of people of African descent in Brazil. Interpreting statistical research compiled over a 10-year period, Mr. Martins explained that Afro-Brazilians were at the bottom of every socio-economic

indicator and that, over time, the disturbing disparities between Afro-Brazilians and other Brazilians were not disappearing. He stated that the labour market made adverse distinctions based on race, and as a result Afro-Brazilians suffered poverty and extreme poverty. He argued that the origin of these contemporary racial differences in Brazil were attributable to long-term, widespread and large-scale slavery in Brazil's history. He added that this racial discrimination persisted and that Brazil was in many ways working to overcome the myth of a harmonious "racial democracy".

71. The Chairperson-Rapporteur thanked Mr. Martins for his frank and illuminating presentation and stated that the situation just described was not restricted to Brazil, but was the case in many countries.

72. The observer for Brazil recalled that he had presented a number of affirmative action programmes being undertaken by Brazil to address these inequalities and stated that his country hoped to provide more information at future sessions of the Working Group.

73. The observer for International Possibilities Unlimited stated that it was to be expected that the differentials between racial groups in Brazil was not narrowing over time, because it had taken over four centuries to establish such entrenched structural inequality.

74. The observer for Proceso de Comunidades Negras en Colombia pointed to the fundamental importance of credible census-taking in countries and the need to accurately identify people of African descent so that programming could be targeted and the inequalities that they experienced could be addressed.

75. Several participants commended the research and presentation by Mr. Martins and agreed that it could serve as a model for other countries in the region and around the world. It was mentioned that research, as well as research methodologies such as this, should be shared, especially among Afro-descent researchers.

76. At the fifth meeting of the Working Group, Ms. Irina Zlătescu presented her paper (E/CN.4/2003/WG.20/WP.4) on "How to use United Nations human rights mechanisms for an effective protection of the rights of people of African descent". She gave an overview of the various United Nations mechanisms since the Universal Declaration of Human Rights that addressed the human rights of minorities and racial groups and dealt with the issue of racial discrimination. She noted that a thorough analysis of the de jure and de facto situation of people of African descent is a difficult task due to the diversity of the group, as well as its needs and expectations. She concluded that it would be important to gather relevant information at the international and national level and from governmental and non-governmental sources in order to examine the situation of people of African descent and arrive at solutions.

77. Mr. Jabbour commented that it might be useful to look into the matter of a consolidated report by the Commission on Human Rights on people of African descent. This report would look at the situation of people of African descent in all regions as well as the applicability and implementation of the core United Nations conventions with respect to them.

78. The observer for Espacio Afro-Americano stated that while there was a breadth of international human rights mechanisms intended to protect the human rights of people, including people of African descent, the issue was the lack of political will in many countries to properly implement the mechanisms. She pointed to the need, for example, for States to make the Declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing the competence of the Committee to hear individual complaints.

79. The observer for Uganda pointed to the need to find short-term solutions such as effectively utilizing the existing international human rights mechanism to realize the economic, social and cultural, civil and political rights of people of African descent.

80. The observer for Brazil reminded the Working Group of the confidential "1503 procedure" of the Commission on Human Rights, which is another human rights mechanism available to people of African descent.

81. The observer for China stated that, while these mechanisms did exist, it was important to inform and educate people of African descent about them and how to make use of them to protect their rights. He added that the State bore primary responsibility for the promotion and protection of human rights and that, in this regard, the mechanisms were supplementary.

82. The observer for Nigeria stated that the Working Group should look at the issues facing people of African descent in terms of redress and the granting of special status. He said that people of African descent needed to be empowered by education, access to economic opportunities, access to and participation in the political process at the national level, and access to and proper representation in politics, the professions and the civil service.

83. Mr. Yusuf Bangura, Research Coordinator of the United Nations Research Institute for Social Development (UNRISD) was invited to speak to the Working Group at its sixth meeting. He explained the mandate of UNRISD and its past work on the issue of racial discrimination, including several studies and publications and a two-day meeting on "Racism and public policy" held during the World Conference against Racism. With respect to the Working Group, he pointed to the need for data on the socio-economic status of people of African descent, particularly statistics regarding the group's private sector profile, its representation in the public service and in the security sector (armed forces, police and prisons). He stated that most research was conducted in North America, and that there was a need to commission detailed and systematic research in other regions as well as on the role of the media, and how people of African descent fare under contemporary domestic migration/integration models.

84. Mr. Martins commented that applied research and data collection was important for information, knowledge and government programming, but also because it empowered civil society. Mr. Jabbour added that it was important to collect information on the political situation of people of African descent because political status was the entry point to all other rights.

85. The observers for Proceso de Comunidades Negras en Colombia and International Possibilities Unlimited indicated the need for specialized training for people of African descent in research methodology. It was mentioned that training seminars or exchange of good practices in this field could be useful. The observer for Espacio Afro-Americano pointed out that accessibility of information and knowledge was also an issue because much of the research methodology and many of the results were available only in English.

86. At its sixth meeting, Ms. Josefina Stubbs of the World Bank commented on the significance of national household surveys and census-taking in Latin America to establish an accurate picture of the socio-economic status of people of African descent. Ms. Stubbs pointed to the importance of methodology as it was a key factor in the integrity and usefulness of the research results. She supported the idea of exchanges of national experiences, good practices and training, and that these were ideas worth pursuing.

87. At its seventh meeting, the Working Group heard presentations by Ms. Josefina Stubbs of the World Bank and Ms. Claire Nelson of the Inter-American Development Bank.

88. Ms. Stubbs shared the World Bank experience in responding to what they deemed was one of the biggest challenges of development: inclusion. She stated that the Bank's challenge was to include people of African descent in the development process by improving their situation in terms of access to education, health services, infrastructure in their communities, opportunities for better employment and the security of their land and natural resources. She stated that, in response to the Santiago regional conference of December 2000 and the World Conference against Racism, the World Bank was working simultaneously in five areas: data collection; integration of the needs of people of African descent in government/World Bank policy instruments; creating capacity for change through support of civil society organizations; increasing awareness about discrimination and the situation of people of Afro-descent internally at the Bank; and, working with other partners such as PAHO, other multilateral banks, private foundations and the United Nations. She concluded that it was essential that the progress of improving the socio-economic status of people of African descent be reviewed from time to time. In this regard, the Millennium Development Goals, adopted by States at the Millennium Summit in 2000, could serve as a benchmark to measure inclusion and the creation of opportunities for people of African descent.

89. Ms. Claire Nelson presented the Action Plan of the Inter-American Development Bank to address the serious development issues facing people of African descent in the Americas. She stated that the Bank was facilitating social policy dialogue about race with many Latin American Governments. It was key that Governments have the political will to consider the issue of race and they be motivated to take out loans to improve the lives of people of African descent. She stated that the Inter-American Development Bank had begun to mainstream the issues of people of African descent in their country programming, country papers and projects. They also took part in inter-agency consultations on race and local community development. She stated that the Bank had instituted short-term research fellowships for people of African descent at the Bank to work on Afro-descendant issues as well as the other Bank sectors, and she encouraged more initiatives such as these.

90. The Working Group held a wide-ranging discussion on the issues raised by the two complementary presentations. Many participants supported the need to engage and collaborate more with international financial institutions and agencies such as the African Development Bank, the European Bank for Reconstruction and Development, United Nations Economic Commission for Latin America and the Caribbean, the United Nations Development Programme, the Multilateral Investment Fund, the International Monetary Fund, the United Nations Conference on Trade and Development and other relevant stakeholders.

91. Mr. Martins said that there was a tendency to think that people of African descent were disadvantaged because they were poor, and that therefore solving the matter of poverty solved the problem of disadvantage. He said that it was often the case that the exclusion and disadvantage of people of African descent was based on racial discrimination distinct from general problems of poverty in a given country.

92. Several participants pointed to the need to collect data disaggregated by race and also gender, as this would give a true picture of the social and economic development of people of African descent in a given country and in the region.

93. The observer for Ghana reminded participants that it may be useful for the international development and financial institutions to look at linking assistance and aid to indicators (“conditionalities”) regarding the well-being and human rights of people of African descent. He added that income distribution rather than economic growth were a more relevant indicator of inclusion.

94. The observer for Brazil stated that the World Conference against Racism did not give the mandate to consider the issue of “benchmarks” of progress made in improving the socio-economic status of people of African descent.

95. The observer for Egypt reminded participants of paragraph 157 of the Declaration and Programme of Action of the World Conference, which called for addressing the issues of development and social exclusion and economic disparities through initiatives such as the New Partnership for Africa’s Development (NEPAD).

96. At the eighth meeting, the Chairperson-Rapporteur, Mr. Peter Lesa Kasanda, introduced the draft set of conclusions and recommendations prepared by the members on the basis of presentations and discussions at the first and second sessions. The Working Group heard comments from observers on this draft.

97. Mr. Kasanda made a closing statement in which he recapitulated the main presentations and points of the week, and thanked all participants for their comments, ideas and constructive working spirit. He explained that the report of the first two sessions as well as the conclusions and recommendations of the Working Group of Experts on People of African Descent would be submitted to the fifty-ninth session of the Commission on Human Rights, and he briefly discussed the future work of the Working Group.

98. The Chairperson of the fifty-ninth Commission on Human Rights, Ms. Najat Al-Hajjaji, attended the eighth meeting and later addressed the participants of the Working Group. She congratulated the Group on its substantive work during its two sessions and expressed her support for the Working Group and the important issues that it was mandated to address. She said that she hoped that the Working Group would be able to meet with its full complement of five experts at its future sessions. She hoped that the African Group, together with other regional groups, when preparing the draft resolution on racism during the Commission, would be able to take on board many of the Working Group's valuable recommendations and that the Group would receive funding to support the participation of non-governmental organizations at their sessions and missions for the experts.

IV. CONCLUSIONS AND RECOMMENDATIONS OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

99. **At its first session, the Working Group adopted preliminary conclusions and recommendations. At its second session, these conclusions and recommendations were reviewed and enlarged to take into account the discussions of the second session. On the basis of these two sessions, the Working Group has agreed on the set of conclusions and recommendations set out below:**

The Working Group of Experts on People of African Descent,

Having convened its first session from 25 to 29 November 2002 and its second session from 3 to 7 February 2003, at the Palais des Nations in Geneva,

Having reflected on its mandate and considered statements and submissions from Governments, United Nations specialized agencies and non-governmental organizations,

Submits the following conclusions and recommendations to the Commission on Human Rights for consideration at its fifty-ninth session.

A. Conclusions

1. The Working Group considers that people of African descent living in the diaspora are the historical and continuing victims of the transatlantic, Mediterranean and Indian Ocean slave trades and of slavery, have been recognized as such in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.* The United Nations has recognized this group as one whose human rights must be promoted and protected, and who require support and a representative voice at the international level.

* Refer to paragraph 13 of the Durban Declaration and paragraph 119 of the Durban Programme of Action.

2. The Working Group believes that the Durban Declaration and Programme of Action provides a good framework for understanding the issues of racial discrimination facing people of African descent.
3. The historical and contemporary experiences of people of African descent show that, whilst they share similarities, people of African descent nevertheless represent a diverse community in different continents reflecting different stages of development and with different issues, needs and expectations; these variations should be acknowledged and further studied.
4. The Working Group notes that people of African descent are largely invisible because they are often absent or excluded with respect to domestic data collection, statistical analysis and programming, as well as national public life and depiction in the media. In this context, the Working Group also wishes to emphasize that, while some countries acknowledge the existence of people of African descent, there is a tendency to deny that people of African descent experience racial discrimination.
5. The Working Group is of the view that understanding of the situation of people of African descent in various regions is a process that has just begun within the United Nations framework. The continued mandate of the Working Group would be greatly enhanced by on-site regional briefings and interaction with people of African-descent communities, NGOs, government officials, national institutions and academic institutes, in order to assemble primary and secondary information first-hand. The experiences of the Working Group on Indigenous Populations and the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights is illustrative in this regard.
6. The Working Group was enlightened by the information provided by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the impact of slavery and the slave trade on the societies where they took place, the issue of reparation, and the contributions of people of African descent to their own liberation and to the development of their countries.
7. The Working Group is of the view that there is an intrinsic link between its work and the United Nations Educational, Scientific and Cultural Organization (UNESCO) intercultural project "The Slave Route". This project is an achievement in terms of its dissemination of the history of people of African descent and the study and depiction of their contributions to their countries. The Working Group specifically recommends that information about this contribution be widely disseminated by UNESCO and Governments. The Working Group invites UNESCO to report at its meetings on the progress made on this project.
8. The Working Group is of the view that there is an intrinsic link between its work and the International Labour Organization's Conventions, in particular the work of the ILO in addressing the discrimination faced in the workplace by people of African descent.

9. The Working Group intends to use a multidisciplinary approach when considering the situation of people of African descent and hopes to be able to benefit from the contribution of specialists from various fields, including history, economics, sociology, psychology, law, political science, religion and spirituality, in order to form a comprehensive understanding of the problems facing people of African descent.
10. The Working Group intends to maintain a local, national, regional and international perspective in order to consider the needs of people of African descent in a holistic manner.
11. Given the complexity and diversity of issues relating to people of African descent, and given the fact that few NGOs and community-based organizations of people of African descent were able to attend its first and second sessions, the Working Group believes that proper consideration and understanding of the complex issues concerning racial discrimination faced by people of African descent will require further sessions.
12. The Working Group regrets that it could not benefit from the full membership of experts at its first and second sessions and encourages the Western European and Other Group of States to nominate an expert and to raise the level of their participation in the Working Group.
13. The Working Group emphasizes the need to preserve, protect and restore traditional knowledge, the intangible patrimony and spiritual memory of sites and places of the slave trade and slave resistance, through building museums, monuments and other means.
14. The Working Group recognizes that people of African descent are disadvantaged through national policies that expropriate ancestral lands, including for purposes of national parks or for private sale.

B. Recommendations

15. In accordance with its mandate, the Working Group proposes the following to the Commission on Human Rights:

The study of problems of racial discrimination faced by people of African descent living in the diaspora. To that end, gathering of all relevant information from Governments, NGOs and other appropriate sources, including through holding public meetings.

16. The Office of the United Nations High Commissioner for Human Rights (OHCHR) should assist the Working Group by collecting various kinds of documentation, including publications, reports and studies undertaken by the various United Nations agencies, bodies, departments, and committees, as well as by institutes, academics, groups and individuals, that are relevant to the human rights and advancement of people of African descent.

17. The Working Group, with the assistance of OHCHR, recommends that OHCHR send a questionnaire to Governments, specialized agencies, intergovernmental organizations, national institutions, academics and NGOs in order to assemble and synthesize existing information about the situation of people of African descent, and undertake a preliminary analysis of the issues of racial discrimination facing people of African descent.

18. The OHCHR web site should include a specific link to other relevant United Nations sites dealing with issues of concern to people of African descent.

19. The Working Group should continue its consultations with the United Nations Research Institute for Social Development (UNRISD) to discuss on how it might contribute to the Working Group's work and to a greater understanding of Afro-descendant issues by undertaking specific studies on the economic and social development of people of African descent.

20. The members of the Working Group believe that their participation at events and meetings concerning people of African descent would provide them with opportunities to gather and exchange information as well as to make the mandate and initiatives of the Working Group known to various strategic partners.

The drafting of measures to ensure full and effective access to the justice system by people of African descent

21. A study should be carried out on structural racial discrimination in domestic public defender/legal aid systems in various regions to determine the nature and extent of the problem and make recommendations to Governments who may wish to improve their assistance to competent and effective free legal representation for vulnerable and disadvantaged persons, which are used disproportionately by people of African descent in the justice system.

22. The Working Group believes that it will be necessary to study and/or compile further information on the issue of racial discrimination faced by people of African descent in areas such as jury selection, representation in the criminal justice system, judicial appointments and access to legal and judicial training.

23. The Working Group urges the Commission on Human Rights and its mechanisms to pay particular attention to the criminal justice system and its negative impact on youth and people of African descent globally.

24. The Working Group believes that it will be necessary to undertake studies on violence disproportionately affecting people of African descent, including police violence.

The submission of recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent

25. Member States are encouraged to address the persistence of the sociocultural ideology inherited from the slavery period that contributes to the perpetuation of racism and racial discrimination against people of African descent. In this connection, the Working Group encourages the sharing and exchange of good practices of Member States of the United Nations

that are dealing with the situation of people of African descent and that have been able to address the negative heritage of slavery and to build integrated multicultural and multiracial societies. The experts believe that the meetings of the Working Group would provide a useful forum for such an exchange.

26. The Working Group encourages Member States to reform their educational systems to reflect the history and culture of people of African descent and the history of slavery. States are also urged to consider whether the educational system reflects the image and identity of people of African descent, and whether it serves to encourage multi-ethnic, multiracial and pluralistic societies.

27. The Working Group proposes that a study be undertaken on the media and people of African descent that would focus in part on stereotypes, negative imagery and issues of invisibility. The study should also focus on how the media makes and can continue to make positive contributions to combating racial stereotypes and prejudice and to enriching cultural diversity and multicultural societies. The experts encourage independent media organizations to consider undertaking such studies as well.

The elaboration of short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system in this regard. The human rights of people of African descent could be promoted, inter alia, by:

(a) Devoting special attention to their needs, inter alia, through the preparation of specific programmes of action;

28. The Working Group encourages States and national institutions to include people of African descent, in particular, in the elaboration and implementation of national plans of action to combat racism and racial discrimination, as recommended in the Durban Declaration and Programme of Action.

29. The Working Group encourages Governments, with the assistance of specialized agencies and international development and financial institutions as appropriate, to collect and compile reliable statistical data on the political, economic and social conditions of people of African descent and to widely disseminate such information, not only in order to undertake specific development projects but also to empower all stakeholders in the fight to improve the situation of these people.

30. The Working Group suggests that all agencies of the United Nations, in particular, UNDP in its Human Development Report, UNESCO, UNICEF, the United Nations Population Fund (UNFPA), the World Health Organization and ILO, as well as international development and financial institutions to adopt in their reports and in their data collection the practice of presenting statistical data and other indicators disaggregated by gender and race, whenever possible.

- (b) **Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in the relevant areas;**

31. The Working Group encourages Governments and international development and financial institutions to establish programmes to support specialists and students of African descent to undertake multidisciplinary research, inter alia, on places of memory of the slave trade and historiography.

32. The Working Group recommends that concerned Governments adopt measures to support the community initiatives of people of African descent in areas such as economic development, socio-political development, access to justice, release and rehabilitation of prisoners, special educational programmes (from early childhood through postgraduate), community legal systems, mental and physical health, training and skills development, and spiritual and artistic development.

33. The major treaty-monitoring bodies should pay particular attention to the situation of people of African descent and request Governments to provide specific information relating to this group in their periodic reports. The Working Group intends to strengthen its relationship with these bodies and other human rights mechanisms.

34. The Working Group recognizes that gender as well as racial discrimination faced by women and girls of African descent can be manifest by illiteracy, unemployment, lack of access to land, lack of drinking water and sanitation, and violence. The Working Group encourages Afro-descendant women's groups to take part in the Working Group process and intends to ensure that a gender analysis of the issues of racial discrimination facing people of African descent is systematically maintained in its work.

- (c) **Developing programmes intended for people of African descent that allocate additional investments in health systems, education, housing, electricity, drinking water and environmental control measures and that promote equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework**

35. The Working Group expresses its deep concern about the extremely limited access of people of African descent in many regions of the world to the new information and communication technologies, as this represents the further political, social and economic marginalization of this group. It urges Governments to pay particular attention to this exclusion in the development of policies and programmes to improve their situation. An appeal should be made to the preparatory process of the upcoming World Summit on the Information Society to pay particular attention to the situation faced by people of African descent.

36. The Working Group notes that the linkages between slavery, colonialism and underdevelopment should be studied and that their ramifications for people of African descent should be taken into account in development policies. In this regard, the Working Group also encourages Governments in the affected regions to use regional arrangements and organizations such as the New Partnership for Africa's Development (NEPAD) as a means of addressing the effects of underdevelopment, which tend disproportionately to impact people of African descent.

37. The Working Group takes note of the work currently being undertaken by the World Bank and the Inter-American Development Bank with regard to people of African descent. The Working Group encourages other international financial institutions, such as the European Bank for Reconstruction and Development and the Asian Development Bank, to do the same.

38. The Working Group recommends that Mr. Doudou Diène, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of the Commission on Human Rights, continue to pay particular attention to the situation of people of African descent and to strengthen his relationship with the Working Group and to provide it with relevant information that he might gather during his various country visits.

39. Governments should allocate part of their national budget to programmes or projects to improve the economic and social conditions of people of African descent. International financial and development institutions should ensure that funds allocated to such projects benefit these communities directly; priority should be given to reducing the poverty of people of African descent.

40. The Working Group notes with appreciation that some States have declared slavery a crime against humanity and have expressed regret for their colonial policies that contributed to the scourges of slavery and the slave trade, and encourages other States and institutions to consider taking similar action.

41. The Working Group commends the Government of Brazil for its courageous efforts to address racial discrimination affecting Afro-Brazilians, in particular, and for its full disclosure of the socio-economic disadvantages faced by people of African descent and encourages other concerned Governments to follow the same path.

42. The Working Group appeals to the United Nations to consider declaring an international decade for people of African descent as soon as possible in order to sensitize the international community and the citizens of Member States to the situation of these people.

43. The Working Group recommends that a fellowship programme be established by OHCHR with a gender and regional balance (similar to that established for Indigenous Fellows) for young people of African descent in order that they may gain first-hand experience about international human rights law, international human rights mechanisms and the United Nations system.

44. The Working Group notes with satisfaction that the General Assembly has proclaimed the year 2004 as the International Year to Commemorate the Struggles against Slavery and its Abolition and recommends that OHCHR organize events on that occasion to honour the memory of people of African descent. It also encourages the General Assembly to adopt a resolution recognizing 21 August as the International Day for Remembrance of Slavery and the Slave Trade, thereby also recognizing their tragic consequences.

45. The Working Group recommends that the Millennium Development Goals be also applied as benchmarks to measure progress regarding the political, economic and social development of people of African descent.

Organization of and participation in future sessions of the Working Group

46. In order to ensure the full and equal participation of NGOs of people of African descent in its work, the Working Group recommends that:

(a) A voluntary fund be established in accordance with resolution 2002/68 of the Commission on Human Rights to support the participation of NGOs representing people of African descent; and

(b) The dates of its sessions, provisional timetables and agenda be published, including on the OHCHR web site, and invitations sent out well in advance of all meetings.

47. The Working Group is of the view that the participation in its meetings of eminent personalities from people of African descent and the international human rights community will enhance the profile of the group and the richness of its studies. It wishes to encourage Governments to include such personalities on their delegations. The Working Group will also take steps to invite such personalities.

48. The Working Group feels strongly that the issues of people of African descent should receive the attention of all stakeholders and intends to generate broad-based support for its work. It would like to encourage all Member States of the United Nations and the specialized agencies, in particular development assistant agencies and international financial institutions, to become more involved in its work. The Working Group is of the view that countries from the Western Group, in particular, have much to contribute by sharing their positive experiences in dealing with issues affecting people of African descent.

49. The Working Group recognizes that people of African descent live disproportionately in extreme poverty as a consequence of past and present racial discrimination. The Working Group intends to keep the issue at the forefront of its future work.

50. The Working Group considers that at a later stage a clearer framework for redress and remedies for past injustices may be disseminated to form a basis for an international political decision. In this regard, the Working Group recommends that OHCHR assist in compiling whatever material is available (papers, etc.) on reparations; the Working Group could evaluate

this material and will decide whether there is a need to pursue research on the subject, in order to fill any gaps that may exist. Filling any of the gaps may be done through either commissioning studies, convening panels, holding meetings or through any other relevant means. At a later stage, the issue of reparations should be dealt with at a political level.

51. In order to effectively protect and promote the human rights of people of African descent, the Working Group recommends that specific themes relevant to their situation should be addressed in forthcoming sessions. This approach would allow for specific experts to be invited and States to contribute information on selected subjects. The Working Group considers that the following subject should be examined:

- The political, economic and social status of people of African descent;
- Eradication of poverty, marginalization, social exclusion and development;
- Health/HIV/AIDS;
- Racial profiling;
- Administration of justice;
- Gender dimensions of racial discrimination;
- Discrimination against children;
- Protection and management of ancestral lands and traditional rights; and
- Access to education and information technology.

ANNEXES

Annex I

AGENDA OF FIRST SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

At the first meeting of the first session, on 25 November 2002, the Working Group, in accordance with its mandate, adopted the following agenda:

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Implementation of the mandate of the Working Group, as established in Commission on Human Rights resolution 2002/68 and approved by Economic and Social Council resolution 2002/270:

“(a) To study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

“(b) To propose measures to ensure full and effective access to the justice system by people of African descent;

“(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

“(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

“(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

- “(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
- “(iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework.”

6. Adoption of recommendations.

7. Adoption of the report.

Annex II

AGENDA OF SECOND SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT

At the first meeting of the second session, on 3 February 2003, the Working Group, in accordance with its mandate, adopted the following agenda:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of work.
4. Implementation of the mandate of the Working Group, as established in Commission on Human Rights resolution 2002/68 and approved by Economic and Social Council resolution 2002/270:

“(a) To study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

“(b) To propose measures to ensure full and effective access to the justice system by people of African descent;

“(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

“(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

“(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

“(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

“(iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework.”

5. Adoption of recommendations.
6. Other matters.
7. Closing of the session.

Annex III

LIST OF PARTICIPANTS AT THE FIRST SESSION

A. Members

Mr. Peter Lesa Kasanda (Chairperson-Rapporteur)
Mr. Georges Nicolas Jabbour
Ms. Irina Moroianu-Zlătescu

B. States Members of the United Nations represented by observers

Bahrain, Barbados, Bolivia, Botswana, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Iran (Islamic Republic of), Ireland, Israel, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Oman, Paraguay, Peru, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia

C. Non-member States represented by observers

Holy See

D. United Nations bodies and specialized agencies and other intergovernmental organizations represented by observers

African Union, World Bank Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of the Commission on Human Rights

E. National institutions

Swiss Federal Commission against Racism

F. Non-governmental organizations in consultative status with the Economic and Social Council (General consultative status, Special consultative status and Roster)

African Commission of Health and Human Rights Promoters, African Society of International and Comparative Law, All for Reparations and Emancipation (AFRECure), Arab Organization for Human Rights, Baha'i International Community, Brahma Kumaris World Spiritual University, December Twelfth Movement International Secretariat, Femmes Africa Solidarité,

Interfaith International, International Federation of University Women, International Service for Human Rights, Movement against Racism and for Friendship among Peoples, Rencontre africaine pour la défense des droits de l'homme, Salvation Army, Tiye International, World Council of Churches

**G. Non-governmental organizations specifically accredited
to the World Conference against Racism**

African Canadian Legal Clinic, Afrikan Youth in Norway, Culture of Solidarity
Afro-Indigenous, Espacio Afro-Americano, Guinée-Développement

Annex IV

LIST OF PARTICIPANTS AT THE SECOND SESSION

A. Members

Mr. Peter Lesa Kasanda (Chairperson-Rapporteur)
Mr. Georges Nicolas Jabbour
Ms. Irina Moroianu-Zlătescu
Mr. Roberto Borges Martins

B. States Members of the United Nations represented by observers

Algeria, Bahrain, Barbados, Bolivia, Botswana, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Greece, Guatemala, Haiti, India, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Oman, Pakistan, Paraguay, Peru, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia

C. Non-member States represented by observers

Holy See

D. United Nations bodies and specialized agencies and other Intergovernmental organizations represented by observers

African Union, European Commission, International Labour Organization, Inter-American Development Bank, United Nations Children's Fund, United Nations Development Programme, World Bank

Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of the Commission on Human Rights

E. National institutions

Swiss Federal Commission against Racism

F. Non-governmental organizations in consultative status with the Economic and Social Council (General consultative status, Special consultative status and Roster)

African Commission of Health and Human Rights Promoters, African Society of International and Comparative Law, Baha'i International Community, Brahma Kumaris World Spiritual University, December Twelfth Movement International Secretariat, Indian Movement "Tupaj Amaru", Interfaith International, International Association against Torture, International Confederation of Free Trade Unions, International Movement Against All Forms of Discrimination and Racism, International Service for Human Rights, Minority Rights Group International

F. Non-governmental organizations specifically accredited to the World Conference against Racism

African Canadian Legal Clinic, Afrikan Youth in Norway, Culture of Solidarity Afro-Indigenous, Espacio Afro-Americano, International Possibilities Unlimited, Proceso de Comunidades Negras en Colombia

Annex V

**LIST OF DOCUMENTS BEFORE THE WORKING GROUP OF EXPERTS ON
PEOPLE OF AFRICAN DESCENT AT ITS FIRST AND SECOND SESSIONS**

<i>Symbol</i>	<i>Title and author</i>
E/CN.4/2002/WG.20/1	Provisional agenda of the first session
E/CN.4/2003/WG.20/1	Provisional agenda of the second session
E/CN.4/2003/WG.20/WP.1	“Some personal thoughts on reparations and people of African descent”, by Mr. Georges Nicolas Jabbour, Member of the Working Group of Experts on People of African descent
E/CN.4/2003/WG.20/WP.2	“Promotion et signification des lieux de mémoire de l’esclavage”, by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of the Commission on Human Rights
E/CN.4/2003/WG.20/WP.3	“Identification and definition of ‘people of African descent’ and how racial discrimination against them is manifested in various regions”, by Mr. Peter Lesa Kasanda, Member of the Working Group of Experts on People of African descent
E/CN.4/2003/WG.20/WP.4	“How to use the United Nations human rights mechanisms for an effective protection of the rights of people of African descent”, by Ms. Irina Zlătescu, Member of the Working Group of Experts on People of African descent
	Preliminary conclusions and recommendations of the first session of the Working Group of Experts on People of African descent
