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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Implementation of the activities of the International Decade for People of African Descent

Report of the Secretary-General

Summary

The present report provides an overview of the right to development for people of African descent, drawing on responses to a questionnaire circulated to key stakeholders by the Office of the United Nations High Commissioner for Human Rights.^a Particular focus is given to the rights of people of African descent in relation to Sustainable Development Goals 4, 8, 10, 13, 16 and 17, considered at the high-level political forum on sustainable development in 2019. The applicable international legal framework and documented examples of good practices are highlighted in the report, which also contains specific recommendations for fulfilling the right to development and the inclusion of people of African descent in the realization of the Sustainable Development Goals.

^a In March 2019, the Office of the United Nations High Commissioner for Human Rights circulated questionnaires addressed to all relevant stakeholders, requesting information for the present report. It received written submissions from 19 Member States (Argentina, Azerbaijan, Bolivia, Colombia, Costa Rica, Germany, Guatemala, Iraq, Malta, Mexico, Peru, Portugal, Republic of Korea, Russian Federation, Spain, Sweden, Switzerland, Ukraine and Uruguay); United Nations bodies and agencies; relevant special procedures mandate holders; national human rights mechanisms; and non-governmental organizations. The submissions are available at www.un.org/en/events/africandecade.

* A/74/150.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16, by which the Assembly adopted the programme of activities for the implementation of the International Decade for People of African Descent. The thematic focus of this report is the right to development of people of African descent, particularly with regard to Sustainable Development Goals 4, 8, 10, 13, 16 and 17. In the programme of activities for the Decade States were called upon to remove all obstacles that prevent the equal enjoyment by people of African descent of all human rights, economic, social, cultural, civil and political, including the right to development (resolution 69/16, annex, para. 11 (a)). Moreover, the three pillars of the Decade, “recognition, justice and development”, have strong links to the right to development.

II. The right to development and people of African descent

2. The Declaration on the Right to Development,¹ provides in article 1 that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. In many countries, people of African descent are among the major contributors to social and economic development, but their contribution is often not fully recognized, nor do they receive a fair share of the benefits of development. People of African descent have often been subjected to serious human rights violations, including slavery and racial discrimination. The Durban Declaration and Programme of Action of 2001 and the programme of activities for the Decade, which address the themes of recognition, justice and development, provide extensive and practical recommendations to combat the legacies of slavery and ongoing racism, racial discrimination, poverty, inequality and other underlying causes that prevent the fulfilment of the right to development of people of African descent.

3. This recognition of people of African descent could be done through different means, such as formal recognition in national constitutions, national statistics, legislation and policies. It could entail recognition of their cultures and histories, and inclusion in the national story. Providing justice could be achieved through the acknowledgement of violations of the rights of people of African descent, and the adoption of policy and legislative measures at the national and international levels to ensure full equality in law and practice. Development could entail effectively implementing the right of people of African descent to participate in, contribute to and to enjoy the benefits of development and their equal inclusion in global initiatives for development, such as the Sustainable Development Goals.

4. The right to development normative framework can inform the process and outcome of the International Decade for People of African Descent through its focus on the indivisibility, interrelatedness and interdependence of all human rights. For people of African descent, the right to development is an important framework for addressing the diverse forms of exclusion they face and for seeking redress for historic and contemporary injustices. Key principles of the right to development, such as non-discrimination, meaningful participation, fair distribution of the benefits of development and accountability, can be of assistance in enabling people of African descent to realize all other human rights.

¹ General Assembly resolution 41/128, annex.

5. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in her recent report on racism and the extractive industry, highlights the contemporary relevance of the right to development for people of African descent.² For instance in her report she notes that notwithstanding decolonialization, colonial-era sovereign inequality persists, and models of extraction that rely upon or produce racial, ethnic and indigenous exploitation remain a reality.

6. The following are important principles for fulfilling the right to development for people of African descent, derived from the Declaration on the Right to Development:

A. Comprehensive, human-centred development

7. The right to development requires putting people at the centre of development (art. 2 (1) of the Declaration). Development needs to be underpinned by an integrated strategy for the implementation of all human rights for people, while respecting and promoting the indivisibility and interdependence of all rights (arts. 1 (1), 6 (2) and 9 (1)). The right to development requires protection of human rights at all levels of policy-making and programming, encompassing both the process and the outcome of development (arts. 1 (1), (2.1), 2 (3) and 8 (2)). Economic growth should be pursued with a focus on equity (art. 2 (3)).

B. Equality, non-discrimination and equality of opportunities for development

8. States are required to ensure non-discrimination in the right to development and to take steps to eliminate racism and racial discrimination (arts. 5 and 6 (1) of the Declaration). This includes ensuring non-discrimination in access to and distribution of the benefits of development (art. 2 (3)), including in access to education, housing, health, employment and income and access to resources and public goods. The 2030 Agenda for Sustainable Development reiterates that discrimination is prohibited on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status (General Assembly resolution 70/1, para. 19). Special attention should be paid to intersecting discrimination experienced by certain people of African descent, such as women, children, young people, persons with disabilities, people living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex persons, older persons, refugees, migrants and internally displaced persons.

C. Active, free and meaningful participation in development

9. States are required to ensure everyone's active, free and meaningful participation in development (art. 1 (1) of the Declaration). This principle is also reflected in the Durban Declaration and Programme of Action, which calls for recognition of the right of people of African descent, inter alia, to development in the context of their own aspirations and customs; to keep, maintain and foster their own forms of organization, their mode of life, culture, traditions and religious expressions; to the use, enjoyment and conservation of the natural renewable resources of their habitat and where applicable to their ancestrally inhabited land (A/CONF.189/12 and Corr.1, chap. 1, Declaration, para. 34). Accordingly, people of African descent have a right to participate at all stages of decision-making that affects them, including in

² A/HRC/41/54.

all spheres of development and at all levels of governance. This is to enable individuals and peoples collectively to determine their needs and priorities and to ensure the protection and advancement of their rights and interests.

10. Genuine ownership or control over productive resources, including land, resources, financial capacity and technology, by people of African descent can be facilitated through public access to information and the responsiveness of decision makers to views expressed by people of African descent. As was stressed in the guidelines for States on the effective implementation of the right to participate in public affairs,³ endorsed by the Human Rights Council, the right to participate in public affairs is closely linked to the full realization of the right of access to information, which, as part of the right to freedom of expression, is an enabler of participation and a prerequisite that ensures the openness and transparency of, and accountability for, States' decisions.

D. Enabling environment for development

11. As set out in the Declaration on the Right to Development, States have the primary responsibility for the creation of conditions favourable to the realization of the right to development. States have also the primary responsibility for respecting, protecting and fulfilling human rights. States are called upon to take steps to eliminate massive and flagrant violations of human rights, including those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination (art. 5 of the Declaration).

12. An enabling environment at the local, national, regional and global levels is key to achieving the right to development for people of African descent. States can achieve this through fulfilling their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights (art. 3 (3) of the Declaration). States have also the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals (art. 2 (3)).

E. International cooperation

13. The right to development has a strong focus on the international dimensions of development, including the duty of States to cooperate for development (arts. 3 and 4 of the Declaration), eliminate obstacles to development and advance human rights. Global and regional partnerships for development, such as those focused on poverty or migration, require cooperation across Governments, national human rights institutions, civil society and multilateral organizations. International systems of trade, finance and development continue to disadvantage States of the global south, impeding government capacities to fulfil the right to development for people of African descent.⁴ Pursuant to the Declaration (arts. 3 and 4), States that do not have the resources or capacity to formulate and execute national development policies can request cooperation from States with capacity and international agencies.

³ A/HRC/39/28.

⁴ A/HRC/36/23, paras. 41, 43 and 44.

III. The right to development and the 2030 Agenda for Sustainable Development

14. The 2030 Agenda for Sustainable Development is grounded in international human rights norms and informed, inter alia, by the Declaration on the Right to Development. With its commitment to leave no one behind and to reach the furthest behind first, the 2030 Agenda encapsulates the human rights principles of equality and non-discrimination. The 2030 Agenda thus provides new impetus to overcome the historically rooted discrimination against people of African descent. The prohibition of racism is reiterated several times in the 2030 Agenda (paras. 8, 19, 25) and there is a strong call for data disaggregated by characteristics including race (targets 10.2 and 17.18; para. 74 (g)). Although the Sustainable Development Goals contain no specific reference to people of African descent, realizing their right to development is imperative for achieving the Goals globally. The 2030 Agenda envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; and of respect for race, ethnicity and cultural diversity, which sets the principles for pursuing the Goals. The 2030 Agenda can and should be read alongside existing commitments towards people of African descent to guide States and other partners, including the private sector, in achieving each of the Goals.

15. In 2019 the high-level political forum on sustainable development considered the theme “Empowering people and ensuring inclusiveness and equality”, with a special focus on reviewing progress on Goals 4, 8, 10, 13, 16, 17. The present report considers each of those Goals in the light of the right to development and existing human rights obligations in relation to people of African descent.

A. Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

16. The right to education is fundamental to the right to development (art. 8 (1) of the Declaration). The right to education is provided for in the International Covenant on Economic, Social and Cultural Rights (art. 13) and the Convention on the Rights of the Child (art. 28). Everyone has a right to education without discrimination (see the International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (v); and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization). Education is both a right in itself and an enabling right which is essential to the realization of other rights, such as political participation, access to justice, access to health services and employment, and to breaking cycles of intergenerational poverty.

17. States parties to those treaties must take measures to guarantee the right to education without discrimination of any kind, which includes ensuring equal access to quality education for people of African descent. In its general recommendation No. 34, on racial discrimination against people of African descent, the Committee on the Elimination of Racial Discrimination recommended States to consider adopting special measures aimed at promoting the education of all students of African descent, guarantee their equitable access to higher education and facilitate professional educational careers (CERD/C/GC/34, para. 64). The Committee also called upon States to review all the language in school textbooks to remove stereotypes concerning people of African descent (ibid., para. 61). In its general comment No. 1 (2001) on the aims of education, the Committee on the Rights of the Child asserted that education can contribute to the elimination of racism and intolerance (CRC/GC/2001/1, para. 11). The Committee on Economic, Social and Cultural

Rights, in its general comment No. 20 on non-discrimination ([E/C.12/GC/20](#)) and general comment No. 13 on the right to education ([E/C.12/1999/10](#)) provided further guidance on equal access to education.

18. Goal 4 reaffirms the importance of eliminating inequality and disparities in the realization of the right to education, calling on States to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations (target 4.5).

19. A consequence of structural discrimination is that people of African descent face disparities in access to education.⁵ Quality education is often not available in the regions or areas in which people of African descent live, including both marginalized rural areas and poor neighbourhoods in urban areas.⁶ Disparities in education are reflected at all levels of education, in particular in tertiary education.⁷

20. Children of African descent often face racism or discrimination in schools.⁸ Curricula may include negative stereotypes and images of people of African descent or not include their histories, cultures and contributions to development sufficiently.⁹ They are often discriminated against for their use of cultural or traditional hairstyles or dress or face direct discrimination from teaching staff.¹⁰ Children of African descent also experience disproportionate use of disciplinary action and are also more likely to be placed in low-achieving classes or groups. All of these factors constitute violations of their fundamental right to education.

Box 1

Uruguay: increasing scholarships and access to education for people of African descent

In Uruguay, through the National Scholarship Commission, scholarships are offered to Afro-Uruguayan students with the goal of promoting racial equality in education for Afrodescendants. Increasing equitable funding for education strengthens the access of Afrodescendent communities to higher education and labour markets later in life.^a

^a Questionnaire response from Uruguay.

21. Education should be culturally relevant and include the histories and contributions of people of African descent to development. In accordance with general comment No. 13 on the right to education of the Committee on Economic, Social and Cultural Rights (para. 6 (c)), States have a duty to provide culturally appropriate education. In the Durban Declaration and Programme of Action it is furthermore indicated that States should promote full and accurate inclusion of the history and contribution of people of African descent in the education curriculum (Programme of Action, para. 10), an objective also emphasized in the programme of activities for the Decade (para. 12).

⁵ See, for example, [A/HRC/23/56/Add.1](#), para. 90.

⁶ See, for example, [A/HRC/39/69/Add.1](#), para. 25.

⁷ Economic Commission for Latin America and the Caribbean (ECLAC), “Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos”, Santiago, 2017.

⁸ [A/HRC/23/56/Add.1](#), para. 67; [A/HRC/30/56/Add.1](#), para. 65.

⁹ [A/HRC/33/61/Add.2](#), para. 46; [A/HRC/39/69/Add.2](#), para. 42.

¹⁰ [A/HRC/31/56/Add.1](#), para. 82; [A/HRC/33/61/Add.1](#), para. 55.

B. Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

22. In accordance with the Declaration on the Right to Development (art. 8), States shall ensure equality of opportunity for all in their access to, inter alia, employment and the fair distribution of income. This includes the right to the enjoyment of just and favourable conditions of work (International Covenant on Economic, Social and Cultural Rights, art. 7) and the right to equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination (International Labour Organization (ILO) Convention No. 111, art. 2). Goal 8 draws upon these rights and includes a range of measures focused on the global enabling environment for growth, targeted measures for youth and migrant workers, and providing sustainable, full and productive employment for all.

23. People of African descent face significant inequality in access to adequate employment. They often have higher unemployment rates than national averages and are overrepresented in low-paid employment.¹¹ The discriminatory attitudes of some employers prevent them from accessing certain jobs, fair working conditions and equal pay. Thus, in certain circumstances, they are more likely to be underemployed in positions that do not reflect their skills and education.¹² A recent report by the European Union found that in European Union member States, an average of 1 in 4 people of African descent felt racially discriminated against when pursuing employment and people of African descent with a tertiary level education were nearly twice as likely to be employed in low-skilled occupations (9 per cent) as the general population (5 per cent).¹³ Likewise, unequal access to education and training has resulted in many people of African descent being forced to work in low-paid, manual and service work.

24. Underemployment and unemployment are a particular concern for migrants, women and young people of African descent. Women of African descent are more likely to be unemployed or economically inactive, and commonly receive lower wages than both men of African descent and white women.¹⁴ In many parts of the world, a disproportionate number of women and girls of African descent work in informal domestic work and are at risk of discrimination, exploitation, violence or abuse.¹⁵ Migrants of African descent are frequently forced to take informal work, which results in low wages and insecurity.

25. In many countries the traditional livelihoods of people of African descent are under threat. As they are forced out of ancestral lands or forced to migrate to urban areas, they no longer have access to subsistence farming, fishing or other traditional occupations. Threats to traditional livelihoods include large-scale infrastructure and development projects, resource extraction and tourism, which often lead to the displacement of communities of African descent.¹⁶

26. In the Durban Declaration and Programme of Action financial and development institutions and the operational programmes and specialized agencies of the United Nations system are urged to develop programmes intended for people of African descent promoting equal opportunities in employment, as well as other affirmative or

¹¹ [A/HRC/36/60/Add.1](#), para. 57; [A/HRC/33/61/Add.2](#), para. 54.

¹² [A/HRC/36/60/Add.1](#), para. 58; [A/HRC/30/56/Add.2](#), para. 80; [A/HRC/30/56/Add.1](#), para. 56.

¹³ European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey: Being Black in the EU*, 2018 pp. 45 and 54.

¹⁴ See, for example, [A/HRC/27/68/Add.1](#), para. 83.

¹⁵ [CERD/C/URY/CO/21-23](#), para. 25; [CERD/C/ECU/CO/23-24](#), para. 34; [A/HRC/31/56/Add.1](#), para. 59.

¹⁶ See, for example, [A/HRC/25/53/Add.1](#), paras. 45–46; and [A/HRC/27/68/Add.1](#), para. 95.

positive action initiatives (Programme of Action, para. 8 (c)). In its general recommendation No. 34, the Committee on the Elimination of Racial Discrimination called on States to take measures to eliminate discrimination against people of African descent in relation to working conditions and work requirements, including employment rules and practices that may have discriminatory purposes or effects (para. 53). The programme of activities for the Decade calls for several measures to ensure equality in employment such as participation in vocational training and trade union activity and safeguards for working in safe and healthy conditions (para. 23).

27. There are measures that States can take to ensure non-discrimination and equality in employment. Appropriate national policies and legislative reform could address discrimination in recruitment and promotion processes. Such legislation may include provisions for both public and private employers and outline their duties in line with equality legislation.

Box 2

Argentina: special measure for access to employment

In Argentina, the Ministry of Production and Labour and the Centre for Migrant and Refugee Orientation are cooperating to create new professional opportunities for migrants and refugees, particularly those of African descent, and also to offer Spanish language courses with a view to increasing access to employment.^a

^a Questionnaire response from Argentina.

28. Special measures in the public and/or private sector may increase employment opportunities for people of African descent. Under the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1 (4) and 2 (2)) and ILO Convention No. 111 (art. 5 (1)), such special measures are not deemed discriminatory. Special measures can include targeted training schemes to build the capacity of people of African descent in specific sectors in which they are underrepresented; targets and quota systems in hiring and promotion to ensure sufficient representation of people of African descent in the private and public sectors; internships and fellowship programmes for people of African descent to develop skills; and targeting employment programmes in areas inhabited by people of African descent.

Box 3

Office of the United Nations High Commissioner for Human Rights: fellowship programme for people of African descent

Every year, the Office of the United Nations High Commissioner for Human Rights hosts a fellowship programme for people of African descent. It provides participants with an opportunity to deepen their understanding of international human rights law and the United Nations human rights system, with a focus on issues of particular relevance to people of African descent. It is also a valuable opportunity for leaders of African descent from all over the world, including many youth leaders, to connect and share knowledge about promoting human rights within their communities.^a

^a See www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/FellowshipProgramme.aspx.

29. Programmes should take into consideration intersecting discrimination, such as discrimination on the basis of sex, gender, disability and age. Particular attention is needed for sectors in which women and girls of African descent constitute a high

percentage in the work force, such as domestic work. The risks of labour and sexual exploitation, trafficking and forced labour that can affect them must be addressed.

30. People of African descent can be better supported in the fields of entrepreneurship, creativity and innovation through programmes targeted to encourage the formalization and growth of micro-, small and medium-sized enterprises. Capacity-building in languages and business strategies could help to make traditional livelihoods become more competitive and market oriented. Support should also include equal access to financial services, which people of African descent often struggle to secure because of discrimination.

Box 4

Colombia: supporting inclusive, productive employment initiatives

In Colombia the National Learning Service offers professional formation courses to Afro-Colombians to give them greater access to the labour market. The Ministry of Commerce, Industry and Tourism provides technical assistance and financing to tourism initiatives proposed by Afro-Colombian communities. The National System of Agricultural Innovation helps to develop strategies to facilitate the transfer of knowledge and new technologies to increase the agricultural productivity of Afro-Colombian farming communities.^a

The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in Colombia has supported livelihood initiatives for women of African descent led by local civil society organizations, with funding from Norway. These initiatives are also contributing to women's leadership and organizational capacity, which can have wider impacts on inclusive economic development.^b

^a Questionnaire response from Colombia.

^b Questionnaire response from UN-Women Colombia.

C. Goal 10. Reduce inequality within and among countries

31. People of African descent face deep-rooted discrimination that often results in unequal access to all human rights and could also lead to hindering their right to development. This is due to a combination of factors, including ongoing effects of the historical injustices of slavery and colonialism, and contemporary structural discrimination. The latter often manifests itself in a lack of government investment in infrastructure and services in the regions and areas in which people of African descent frequently live, lack of equal access to quality education, employment and health services, poor access to justice and adequate housing and land insecurity. Exclusion from full political participation hampers their ability to influence government legislation and policies to redress these inequalities.¹⁷

32. The programme of activities for the implementation of the International Decade for People of African Descent has much in common with targets 10.2 and 10.3 of the Sustainable Development Goals. Both recognize that poverty is at the same time a cause and a consequence of discrimination. In the programme of activities States are requested to 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 to expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes (para. 20). States are also requested to develop or elaborate national plans of action to promote diversity,

¹⁷ See [CERD/C/GC/34](#) and General Assembly resolution [69/16](#).

equality, social justice, equality of opportunity and the participation of all. By means of, inter alia, affirmative or positive actions and strategies, those 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 (para. 18).

Box 5

Mexico: work programme for people of African descent

Mexico developed a work programme for the implementation of the International Decade for People of African Descent. It includes actions related to the legislative field and public policies that underpin recognition of people of African descent, the generation of statistical information, work on the prevention and elimination of racial profiling that affects them, work to counteract hate speech, and various educational activities.^a

^a Questionnaire response from Mexico.

Box 6

Costa Rica: national policy for a society free from racism, racial discrimination and xenophobia

Costa Rica adopted a national policy for a society free from racism, racial discrimination and xenophobia. As part of the process of developing the policy, several consultations were held throughout the country with Afrodescendent communities, so that their voices and concerns could be included in the national policy. In 2019, the national policy will be evaluated with a view to developing the second national policy against racial discrimination.^a

^a Questionnaire response from Costa Rica.

Box 7

Sweden: national action plan against racism, similar forms of hostility and hate crime

In 2016, Sweden adopted the national action plan against racism, similar forms of hostility and hate crime. Several measures within this area are presented in the plan, and since then more actions have been initiated and carried out. The plan identifies different groups facing racism and similar forms of hostility in Sweden, including Afro-Swedes and migrants of African descent. The plan recognizes that Afrophobia is still found in Sweden today. In the statement of Government policy of January 2019 it is stated clearly that the work on the national plan to combat racism will continue and that xenophobic hate crimes against minorities will be vigorously combated.^a

^a Questionnaire response from Sweden.

33. To address racial inequalities, special measures may be adopted to ensure full and equal access to human rights, which are envisaged under the International Convention on the Elimination of All Forms of Racial Discrimination (art. 1 (4)). General or universal inequality reduction programmes often fail to meet the particular needs of people of African descent because they do not tackle the specific forms of discrimination they face. If such programmes do not address the underlying causes of

inequality such as discrimination, invisibility and exclusion from political processes, they will not achieve equality for all. For example, while poverty rates have fallen in many countries in Latin America, people of African descent still experience high rates of poverty.¹⁸ Special measures can include affirmative action policies or specially targeted programmes to tackle inequality.

34. One important challenge to identifying and reducing inequality is the lack of disaggregated data on the situation of people of African descent. In-depth assessments and baseline studies can be carried out with communities of African descent to identify the barriers preventing them from breaking cycles of poverty and accessing employment, education, health, adequate housing and land. Data from such assessments should be published and made widely available for use by all levels of government, civil society, and international actors.

Box 8

Switzerland: data collection to address inequality

In Switzerland, through a partnership between the Service for Combating Racism, the Federal Commission against Racism and the Federal Statistical Office, data were collected on the experiences of people of African descent. Their perception of public attitudes towards them and of the racism they experienced within governmental institutions was recorded. Thanks to the data, measures have been taken to tackle discriminatory patterns at federal and cantonal levels.^a

^a Questionnaire response from Switzerland.

Box 9

United Nations Population Fund: support for national institutions in strengthening their capacity in data collection

The United Nations Population Fund (UNFPA) supports national institutions in strengthening their capacity for population data collection, disaggregation and analysis to promote visibility and equity for Afrodescendants in national policies. Some examples include Chile, Colombia, Haiti and Nicaragua, where UNFPA provided technical assistance for the preparation processes for the 2020 census round, ensuring the inclusion of the ethnicity variable in the census surveys, capturing Afrodescendants and other vulnerable groups.^a

^a Questionnaire response from UNFPA.

D. Goal 13. Take urgent action to combat climate change and its impacts

35. Climate change can have a disproportionate impact on people of African descent. In many countries, people of African descent are disproportionately represented in regions vulnerable to climate related hazards and natural disasters.¹⁹ This can severely affect the realization of their right to development and States have

¹⁸ United Nations Development Programme, “Políticas públicas para la inclusión social de la población afrodescendiente”, Panama, 2011, pp. 21–22.

¹⁹ See www.un.org/sustainabledevelopment/blog/2016/10/report-inequalities-exacerbate-climate-impacts-on-poor/; A/HRC/16/45/Add.1, para. 68; A/HRC/24/52/Add.2, para. 87; A/HRC/33/61/Add.2, para. 52.

duties at both national and international levels to ensure that people of African descent are included equally in climate change resilience and adaptive capacity initiatives.

36. Many people of African descent also lack access to adequate housing or other infrastructural safeguards that might protect them from flooding, hurricanes or other forms of natural disaster caused by climate change.²⁰ In the Durban Declaration and Programme of Action, States are invited to take measures to ensure non-discrimination in access to a safe and healthy environment, including to ensure that relevant concerns are taken into account in the public process of decision-making on the environment (Programme of Action, para. 111 (b)). States and international organizations are urged to develop specific programmes for people of African descent on, inter alia, environmental control measures (ibid., paras. 5 and 8 (c)) to help mitigate impacts of environmental degradation on their human rights.

37. Climate change measures should take into account discrimination and harm against people of African descent when evaluating potential projects. Disaggregated data should measure how people of African descent are affected by climate change related hazards, and responses to climate change related disasters must be monitored to ensure non-discrimination in access to emergency and recovery services for them.

38. People of African descent need equal access to information, education, and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning. Risk assessments should be undertaken to evaluate the needs of vulnerable communities to help to design strategies for decreasing vulnerability to climate change harms. Strategies for dealing with such risks need to be developed with the full participation of affected communities.

Box 10

Department of Global Communications: participation in climate-change planning, mitigation and resilience programmes

The Department of Global Communications of the Secretariat supports people of African descent in documenting their experiences of climate change so that they may be shared with those working in preventing and mitigating its impacts. For example, the United Nations Information Centre at Bogota, in collaboration with the World Food Programme, produced a short video available on YouTube on Afrodescendent communities in the Pacific coastal region of Colombia on their adaptation to climate change, with a focus on food security and gender.^a

^a Questionnaire response from the Department of Global Communications.

E. Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

39. Ensuring accountability and equal access to justice for people of African descent is essential for building peaceful and inclusive societies. The right to equal access to justice without discrimination is guaranteed in the International Covenant on Civil and Political Rights (art. 26) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (a)). Goal 16 reaffirms the right to justice without discrimination, and States are called upon to promote and enforce

²⁰ See ECLAC, "Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos", Santiago, 2017, p. 78; [A/HRC/27/68/Add.1](#), para. 103.

non-discriminatory laws and policies for sustainable development (target 16.b) and to promote the rule of law at the national and international levels and ensure equal access to justice for all (target 16.3).

40. People of African descent often face discrimination in access to justice both when they have been victims of violations, and in the administration of the justice system. When they are victims of violations, in particular related to racism or racial discrimination, they are often unable to access justice owing to a range of factors, including lack of financial resources, geographic marginalization, lack of awareness of law enforcement, and the unreliability of State institutions. Racism within justice systems may include police refusing to receive or register claims, judicial authorities failing to process complaints and courts dismissing complaints of discrimination for lack of evidence, or failure to criminalize or clearly define such conduct in law.²¹ Lawyers may refuse to take cases of discrimination and police often fail to prosecute because of discriminatory attitudes.²² Many people of African descent often do not report cases of racism for fear of being further victimized.

41. People of African descent face discrimination, violence and violations of their rights in all areas of the administration of justice system, including over the policing of the communities and areas in which they live, extremely high rates of police brutality, racial profiling, harsher sentencing, mass incarceration and poor prison conditions.

42. The programme of activities for the Decade gives special attention to measures for improving access to justice, both past and present, including addressing impunity for crimes committed against people of African descent (para. 17). In its general recommendation No. 34, the Committee on the Elimination of Racial Discrimination suggested that States should take all the necessary steps to secure equal access to the justice system for people of African descent including by providing legal aid, facilitating individual or group claims, and encouraging non-governmental organizations to defend their rights (para. 35). In the Durban Declaration and Programme of Action States were called upon to take specific steps to ensure full and effective access to the justice system for all individuals, particularly those of African descent (Programme of Action, para. 12).

Box 11

Peru and Portugal: measures to ensure access to justice for victims of racial discrimination

In 2018 Peru adopted an action plan to ensure access to justice for the Afro-Peruvian population. In 2019, bill No. 03793/2018-PE was adopted to prevent, eliminate and sanction racism and discrimination, including through support to groups victimized by racial discrimination, and to raise public awareness of these issues.^a

Portugal adopted law No. 93/2017, which amends the legal framework on the prevention, prohibition and combating of discrimination based on racial and ethnic origin. The new law declares illegal the refusal to supply goods or services on grounds of racial or ethnic origin. It includes articles on the principle of equal treatment (art. 13 (1)) and prohibition of discrimination (art. 13 (2)).^b

^a Questionnaire response from Peru.

^b Questionnaire response from Portugal.

²¹ Inter-American Commission on Human Rights, *The Situation of People of African Descent in the Americas* (OEA/Ser.L/V/II. Doc.62, 5 December 2011, paras. 123 and 133).

²² UNDP, *Derechos de la población afrodescendiente de América Latina: desafíos para su implementación*, Panama, 2012.

43. In order to address racism and discrimination in the administration of justice, law enforcement institutions, the judiciary and prison services should develop systematic procedures to collect disaggregated data across all areas of the justice system to make visible the inequalities experienced by people of African descent.²³ Under Goal 16 States are called upon to measure the proportion of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (indicator 16.b.1).

44. States should also take measures to train and sensitize justice system officials and implement policies to prevent racial discrimination in the administration of justice. It is important that people working within the justice system reflect the diversity of a society. The Committee on the Elimination of Racial Discrimination recommended that States encourage the recruitment of people of African descent into the police and as other law enforcement officials (general recommendation No. 34, para. 40) and organize training programmes for public officials and law enforcement agencies with a view to preventing injustices based on prejudice against people of African descent (*ibid.*, para. 41).

Box 12

Germany: training of justice officials to eliminate institutional racism

In Germany, the Federal Ministry of Justice and Consumer Protection and the German Institute for Human Rights developed training modules on racism for judges and public prosecutors. The purpose of the training modules is to help judicial staff to respond appropriately to acts motivated by hate, to take the experience of people affected by racism into account in their work, and to thereby ensure their access to justice without discrimination.^a

^a Questionnaire response from Germany.

Box 13

Spain: countering hate crimes

In Spain a number of measures to tackle hate crimes against Afrodescendent communities were adopted. The Secretary of State for Security issued an instruction establishing a protocol of action for security bodies and forces on how to respond to hate crimes, including those that are racially motivated. It sets a legal definition of hate crimes and outlines guidelines on how to treat victims in a sensitive and professional manner.^a

^a Questionnaire response from Spain.

45. To ensure accountability across all institutions, States should put in place effective internal and external complaints mechanisms and oversight bodies, to uphold legislation and policy on non-discrimination. This applies to police conduct and other law enforcement institutions but also other State institutions.²⁴ Adequate mechanisms for free, active and meaningful participation such as processes for free, prior and informed consent on decision-making which affects the lives, communities

²³ [A/HRC/4/39](#), paras. 70 and 76.

²⁴ *Ibid.*, para. 68.

and territories of people of African descent are also essential to ensure accountable, peaceful and inclusive societies.

F. Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

46. The Declaration on the Right to Development underscores the need for international cooperation to realize human rights and development. For example, States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development (art. 4 (1)). Furthermore, all States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion (art. 6), and have the duty to cooperate with each other in ensuring development and eliminating obstacles to development (art. 3). States thus have responsibilities at three levels: (a) internally, through the formulation of national development policies and programmes affecting persons within their jurisdictions; (b) internationally, through the adoption and implementation of policies extending beyond their jurisdictions; and (c) collectively, through global and regional partnerships.²⁵

47. Bilateral and multilateral cooperation can assist Governments with sharing of good practices, technical cooperation and collaboration on key elements such as development assistance, remittances, technology, trade, financial regulation and investment, debt, data collection, macroeconomic stability, and multi-stakeholder partnerships, which feature in Goal 17.

48. People of African descent often have not been able to participate fully in the Global Partnership for Sustainable Development and remain marginalized in many national level dialogues on development. The problems related to non-participation are particularly acute in poorer regions with limited infrastructure and low investment in services such as health and education, where the situation of people of African descent may be even more difficult.

49. In the Durban Declaration and Programme of Action States reaffirmed the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance (Declaration, preamble). In relation to development for people of African descent, they called for international cooperation for additional investments in health-care systems, education, public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives, in communities of primarily African descent (Programme of Action, para. 5). The programme of activities for the Decade identifies international cooperation as a central objective: to strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent and their full and equal participation in all aspects of society (para. 9 (a)). The Committee on the Elimination of Racial Discrimination in its general recommendation No. 34 recommended that States work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects which they support take into account the economic and social situation of people of African descent (para. 54).

²⁵ See www.ohchr.org/Documents/Publications/FSheet37_RtD_EN.pdf, with reference to A/HRC/15/WG.2/TF/2/Add.2, annex.

50. Responsibilities related to international cooperation entail the recognition that poorer countries may need additional financial resources in order to fulfil the right to development for all people within their jurisdiction. In the Durban Declaration and Programme of Action international financial and development organizations are called upon to assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, inter alia, through the preparation of specific programmes of action (Programme of Action, para. 8 (a)). The General Assembly in its resolution [69/16](#) concerning the International Decade for People of African Descent invited Member States and other donors to provide extrabudgetary resources (para. 6) to help to implement the programme of activities.

51. Official development assistance should be targeted at the most resource-constrained countries, with specific attention to the needs of the most vulnerable and marginalized groups, including people of African descent. The programme of activities for the Decade calls on the international community to give high priority to programmes and projects specifically tailored for combating racism and racial discrimination against people of African descent (para. 28).

52. International cooperation is important for the provision of advisory services, technical assistance and capacity-building to States for the realization of human rights. States can share good practices and training for governmental officials in areas as diverse as the justice system, improving national statistics to measure inequality, and the creation of institutions and processes to ensure the participation of people of African descent in development planning. Technical cooperation support can focus on the implementation of recommendations concerning people of African descent emanating from United Nations human rights mechanisms (treaty bodies, special procedures of the Human Rights Council and the universal periodic review), the implementation of judgments by regional courts and recommendations of regional monitoring mechanisms, and the development of national action plans on priority areas such as combating racial discrimination.

53. Meaningful participation of people of African descent should feature in all multi-stakeholder partnerships, technical cooperation and capacity-building initiatives. In the Durban Declaration and Programme of Action financial and development institutions and United Nations agencies are specifically urged to carry out special projects, through appropriate channels and in collaboration with Africans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between those populations and experts in those areas (Programme of Action, para 8 (b)).

Box 14

UN-Women Brazil and the Netherlands: empowering Afro-Brazilian women of African descent to reduce inequality Brazil

UN-Women Brazil, through the advocacy and communication project “Black Women towards a Planet 50-50 in 2030”, supported by the Netherlands, is contributing to the strengthening of the capacity of black women activists to participate in national and international measures for reducing gender inequality, including the Commission on the Status of Women.^a

^a Questionnaire response from UN-Women Brazil.

54. The programme of activities for the Decade calls for States to contribute to the restoration of the dignity of victims, following the suffering inflicted on people of

African descent as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies (para. 17 (i–k)). It is noted therein that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed, while others are called upon to take similar steps, bearing in mind their moral obligations. Full recognition of past injustices is a constructive foundation for fulfilling the right to development for people of African descent.

Box 15

Organization of American States and European Union Agency for Fundamental Rights: multi-stakeholder partnerships with civil society and parliamentarians

The Organization of American States has adopted a regional Plan of Action for the Decade for People of African Descent in the Americas (2016–2025).^a An additional international cooperation mechanism was created to help implement the Plan of Action. The Inter-American Network of High Authorities on Policies for Afrodescendent Populations was established at the first Inter-American Meeting of High-level Authorities on Policy for Afro-descendent Populations. Members of the Network will work to promote dialogue and collaboration among national authorities to promote policies for people of African descent.^b

At the European Union level, the Agency for Fundamental Rights has completed a survey and report on being Black in the European Union (2018). In addition to providing important data for monitoring and accountability in regard to the Sustainable Development Goals, the report briefly notes other international cooperation efforts, such as the Anti-Racism and Diversity Intergroup of the European Parliament.^c

^a See www.oas.org/en/sare/documents/res-2891-16-en.pdf.

^b See www.oas.org/en/media_center/the-decade-for-people-of-african-descent.asp.

^c See <https://fra.europa.eu/en/publication/2018/eumidis-ii-being-black>.

IV. Conclusions and recommendations

55. The 2030 Agenda for Sustainable Development is grounded in international human rights norms and informed by the Declaration on the Right to Development, providing a comprehensive framework which can serve as a point of reference and a catalyst for the implementation of the International Decade for People of African Descent. A first step for States to meet their commitments to leave no one behind is to recognize that racism, racial discrimination and xenophobia continue to function as structural and systemic barriers to sustainable development for groups facing discrimination, including people of African descent.

56. In line with the 2030 Agenda's commitments to leave no one behind and to target those furthest behind first, there is an urgent need for concerted action to realize the human rights of people of African descent and other groups facing historic and structural discrimination. Inequality in access to human rights for people of African descent should be addressed through special measures such as affirmative action or other targeted policies and programmes to meet the Sustainable Development Goals and implement the programme of activities for the Decade.

57. Access to quality education can contribute to enabling people of African descent to compete on an equal footing with others in the labour market.

Furthermore, school curricula should give an accurate account of the culture, contributions and history of people of African descent, and include discussion on slavery, the slave trade, including the transatlantic slave trade, and colonialism.

58. People of African descent have the right to equal access to information, education, and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning. Particular support should be given to people of African descent living in regions especially vulnerable to climate change, such as coastal regions, with due respect for their consent to mitigation strategies.

59. Efforts to improve data collection to measure progress towards the Sustainable Development Goals should ensure that people of African descent are visible in disaggregated data and are included in consultations on data reform. This includes data to measure intersecting discrimination experienced by people of African descent, including women, children, youth, persons with disabilities, people living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex persons, older persons, migrants, refugees and internally displaced persons. People of African descent should participate in the process of data collection and the data collected for monitoring the Goals should be made accessible to them. People of African descent and their civil society organizations are also key stakeholders in the monitoring and implementation of the Goals, where joint initiatives between States and civil society are encouraged.

60. The participation of people of African descent should feature in all relevant multi-stakeholder partnerships, technical cooperation and capacity-building initiatives. States and international institutions, in accordance with the commitment in the 2030 Agenda to leave no one behind, should target a greater part of their funding to specific programmes addressed to groups facing discrimination, such as people of African descent.
