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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its twentieth session

Summary

The present report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action provides information on the twentieth session of the Working Group, held in Geneva from 10 to 21 October 2022.



I. Introduction

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with Human Rights Council resolution 43/35.

II. Organization of the session

2. The Working Group held its twentieth session in Geneva from 10 to 21 October 2022. Participants discussed the situation of racial discrimination worldwide, taking into account the implementation of the Durban Declaration and Programme of Action. During its session, the Working Group reviewed the progress achieved concerning the implementation of the programme of activities for the International Decade for People of African Descent (2015–2024) and discussed measures to be taken to enhance the effectiveness of the mechanisms established to follow up on the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in their work. Moreover, it also started initial discussions on the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, as requested by the General Assembly in its resolution 76/226.

A. Attendance

3. The session was attended by representatives of States Members of the United Nations, United Nations bodies and intergovernmental and non-governmental organizations (see annex II).

B. Opening of the session and election of the Chair-Rapporteur

4. The twentieth session of the Working Group was opened by Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

5. In her opening statement, the Director reaffirmed the full engagement of OHCHR in the fight against racism and highlighted the more recent initiatives, including the two-year campaign entitled “Learn, Speak Up, Act!”, launched on Nelson Mandela International Day; the messages disseminated on radio stations and podcasts on the International Day for People of African Descent; and the follow-up report of the United Nations High Commissioner for Human Rights on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality.¹ In the face of systemic racism and the legacies of slavery and colonialism, global efforts had been sporadic and insufficient.

6. She welcomed that half of the Working Group’s session would be devoted to the elaboration of the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. Such a declaration would contribute to confronting and redressing past violations and injustices and their present consequences more effectively by encouraging concrete actions, and would constitute crucial guidance for building equal and just societies for people of African descent.

7. The Permanent Representative of Rwanda to the United Nations Office and other international organizations in Geneva, Marie Chantal Rwakazina, was elected Chair-Rapporteur.

8. After the election of the Chair-Rapporteur, the Working Group adopted its programme of work.

¹ [A/HRC/51/53](#).

C. Statements

9. The representative of Colombia welcomed the process to elaborate a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, and recalled that Colombia had set up an intersectoral commission for historical reparation, led by the President of the country.

10. The representative of the Bolivarian Republic of Venezuela welcomed the establishment of the Permanent Forum on People of African Descent and raised concerns over the increase in acts of discrimination worldwide.

11. The representative of Iraq highlighted the harmful impact of Islamophobia on the enjoyment of human rights and the need to merge political efforts and efficient legal frameworks for its elimination.

12. The representative of the European Union stressed the importance of showing political will, mutual tolerance and understanding to overcome racism. She reaffirmed that the European Union was constructively engaged in the fight against racism.

13. The representative of Brazil expressed the State's commitment to the negotiations of the draft declaration and invited participants to engage in constructive dialogue on the draft presented by the Chair of the Working Group. The draft text already incorporated elements important to Brazil, such as acknowledgement of the legacies of colonialism and slavery, the promotion of public policies and affirmative action, and references to the rights to health, education, decent working conditions, freedom of religion and housing.

14. The representative of the Islamic Republic of Iran stated that the world was still witnessing manifestations of racism. The Islamic Republic of Iran had been experiencing the imposition of unilateral coercive measures and embargoes, which represented new forms of colonialist institutionalized discrimination.

15. The representative of Cuba noted that developed countries had imposed the current global order, characterized by injustice and inequality, on the rest of the world. The Cuban independence struggle could not be separated from the liberation of all human beings in his country.

16. The representative of South Africa expressed concerns about efforts to negate the Durban Declaration and Programme of Action, and the denial by some States of the right to reparations for crimes of slavery because at the time those crimes were not against international law. That position vis-à-vis the right to reparation was proof that racism still existed.

17. The representative of Algeria recalled the practical and inspirational nature of the Durban Declaration and Programme of Action, emphasizing the present repercussions of colonialism on the current enjoyment of human rights. He recalled that some countries had provided compensation to victims of past violations, and affirmed the importance of apologizing, and showing remorse and responsibility – the only way to ensure dignity and equality to all.

18. The representative of Namibia recalled that the world was still plagued by racism and that Namibia itself had suffered colonialism. Opposition to the Durban Declaration and Programme of Action was not tolerable, and it was important to redouble the efforts against racism. The draft declaration on the rights of people of African descent would be a useful tool to address that challenge.

19. The representative of Pakistan raised concern over systemic racism, recalling the injustices faced by particular communities, such as refugees and migrants, and contemporary forms of discrimination, such as racial profiling and restrictions on freedom of religion and cultural values.

20. The International Youth and Student Movement for the United Nations recalled that the Durban Declaration and Programme of Action had been adopted by consensus and later endorsed by the General Assembly, with two votes against and two abstentions. It was

unfortunate that there had been an increase in the number of States that no longer supported the Durban Declaration and Programme of Action.

III. Discussions on the situation of racial discrimination worldwide, taking into account the implementation of the Durban Declaration and Programme of Action, and review of progress achieved concerning the implementation of the programme of activities for the International Decade for People of African Descent

21. The Working Group considered the situation of racial discrimination worldwide, taking into account the implementation of the Durban Declaration and Programme of Action (under agenda item 5, as listed in the programme of work for the twentieth session), and reviewed progress achieved concerning the implementation of the programme of activities for the International Decade for People of African Descent (under agenda item 6, as listed in the programme of work). Experts gave presentations, as described below.

22. Joshua Castellino, Executive Director of Minority Rights Group, affirmed that the most egregious effect of racial discrimination lay in the exclusion and marginalization that resulted in historical deprivation of the status of human beings for those who were racialized. When their lands were conquered and exploited, those people were not considered owners and such lands were considered terra nullius. It had been two decades since the adoption of the Durban Declaration and Programme of Action, and there was still exclusion of racialized people; the world would not be able to achieve diversity and richness if people were still eliminated at the start because of their skin colour. Racial discrimination had not only damaged its primary victims, but had also created an extractive model that historically treated people as objects and not subjects of law. Such treatment had led to their lands being considered as open to extraction and had generated the idea of profit at all costs. The extractive model had led to severe environmental damage. Mr. Castellino set out what he believed were the needs of the hour: (a) structural change and a transition to a world where the rights of all were respected, and where the environment was also respected; (b) sociopolitical change through redistribution of resources; (c) the acknowledgment of flawed narratives, including the re-writing of books, given the need to reckon with the fact that the story of exploitation had not been told in a fair way; (d) contestation of supremacy and of any idea that put one individual or group in a hierarchically higher position in respect to others; and (e) a rethinking and rewiring of institutions. He identified the following recommendations: (a) root out hate, which represented the new pandemic; (b) overturn existing structural discriminations in finance and power; (c) build merit-based societies, benefiting from the largest and most inclusive range of talents, and ensure access to education for all; (d) coordinate United Nations mechanisms and initiatives focused on combating racism; and (e) organize a fourth world conference against racism and use that platform to include individuals and communities who were keenly aware of racial hierarchies and climate destruction.

23. Catherine Namakula, Chair of the Working Group of Experts on People of African Descent, recalled that there had been some key developments in racial equality for people of African descent: stakeholders had strengthened their partnership and made progress in the dialogue on racial justice, focusing on the importance of evidence and disaggregated data. However, the elimination of centuries of systemic racial discrimination required more proactive measures, rather than reactive interventions. Ms. Namakula emphasized that: (a) people of African descent were being left behind in the progression of the Sustainable Development Goals in many countries; (b) racial discrimination was more visible and spread easily through advanced technology and social media; (c) there had been an escalation of racial discrimination into violence; (d) racial profiling and impunity for police brutality represented a major concern; (e) children of African descent were overrepresented in the criminal justice system, as there was a blatant contrast between punitive responses experienced by children of African descent and the child-centred responses to the delinquency of other children; (f) encounters between law enforcement and people of African

descent were characterized by premature excessive use of force and by escalation; and (g) migrants, refugees and asylum-seekers of African descent were particularly vulnerable. She also noted: (a) the rising trend of ultra-nationalist right-wing groups and political parties that disseminated propaganda against racialized groups; (b) racialized media reporting that advanced divisive narratives; (c) contemporary forms of enslavement in the Middle East and in some Gulf States; and (d) persistent racial disparities in family interventions, including removal of children and termination of parental rights, involving racialized outcomes. During its public session in 2022, the Working Group of Experts on People of African Descent had discussed racial disparities in relation to education outcomes and had urged all States to ensure that schooling environments were free from racism.

24. Monica Ferro, representative of the United Nations Population Fund (UNFPA) in Geneva, presented the latest initiatives undertaken by her organization in the implementation of the International Decade for People of African Descent, highlighting the sexual and reproductive health of women and girls of African descent; prevention and elimination of gender-based violence; and the protection of adolescents and young people of African descent. The coronavirus disease (COVID-19) pandemic had eroded the ability of women and girls of African descent to access high quality sexual and reproductive health care. In Latin America, women and adolescent girls of African descent were disproportionately affected by structural inequalities and discrimination in the exercise of their rights to political participation, remedial action, land, housing, education, jobs and health, including sexual and reproductive health. UNFPA had developed a strategy for people of African descent for 2022–2025, focusing on evidence-based knowledge generation, global, regional and local political advocacy and strengthened partnerships. UNFPA had strengthened collaboration with OHCHR, the United Nations Educational, Scientific and Cultural Organization and the Department of Global Communications of the United Nations.

25. Juan Méndez, member of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, stated that the collection, analysis, use and publication of data disaggregated by race or ethnic origin had been the theme of the Mechanism's first report to the Human Rights Council. Mr. Méndez stressed the importance of having a legal framework for the protection of the rights of people of African descent. Systemic racism shaped the interactions of people of African descent with law enforcement officials and the justice system in general. Systemic racism was also a patent factor in impunity: law enforcement officers were rarely held accountable, owing to inadequate investigations and a lack of independent and credible oversight, complaint and accountability mechanisms. In that context, Mr. Méndez noted with satisfaction the recognition of the right to access to justice and redress in article 11 of the draft declaration text contained in the preparatory document submitted by the Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. The impact of the increased reliance on algorithms and artificial intelligence in the field of law enforcement and criminal justice addressed in article 7 of the text contained in the Chair's preparatory document was a concern shared by the Mechanism. Mr. Méndez concluded by stating that he looked forward to more exchanges on how to join efforts to advance racial justice and equality for people of African descent in the context of the Durban Declaration and Programme of Action.

26. Álvaro Bello, Chief of the Research Division, United Nations Development Programme (Chile), noted that talking about progress and challenges in the fight against racism took on a particular significance at a time when the world was emerging from one of its worst pandemics and had entered a major global economic crisis, when war had broken out again and global human mobility was posing new challenges. According to the *Sustainable Development Goals Report 2022*, years, if not decades, of progress had been halted or reversed as a result of the pandemic, which had exposed and intensified inequalities within and between countries. One had also to take into account climate change, whose cross-cutting effects were also delaying development and putting humanity's future into question. Many efforts had been made to raise awareness of and combat racism. In that process, the victims themselves had often taken the lead, as was the case at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban. Racism destabilized societies, undermined democracies, eroded the legitimacy of governments and hindered efforts towards an inclusive and sustainable recovery from the pandemic. Racism

also acted as a catalyst for public discourse that normalized hatred, denied dignity and encouraged violence. Regrettably, 21 years after Durban, racism continued to be a denial of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights. Measures needed to be taken urgently to protect the rights of victims of racism, otherwise multidimensional inequalities, the climate crisis and war would only aggravate the situation of individuals and communities that were victims of racism. Mr. Bello highlighted the importance of commitment from States to make the protection of those rights truly effective. One way forward could be to commit to the swift drafting and adoption of a United Nations declaration on the rights of people of African descent. The adoption of national action plans against racism, a comprehensive review of the legal, cultural and social obstacles that allowed the reproduction of racism, and a clear commitment to affirmative action measures to combat the inequalities were also required.

27. Marta Rangel, an independent researcher, explained that the pandemic had highlighted structural problems and historical inequalities, most acutely affecting population groups living in poverty, including people of African descent. After the assassination of George Floyd, protests had highlighted an urgent need for the recovery of historical memory, which implied changes in education and recognition of the history of people of African descent. Ms. Rangel recommended that the following goals should be considered for inclusion in the future draft declaration on the rights of people of African descent: to implement intersectional and intercultural policies; to give visibility to people of African descent in statistics, especially epidemiological records; to guarantee consultation and free, prior and informed consent for Afro-descendant communities; to guarantee equality before the law and in the administration of justice; to periodically assess the satisfaction of people of African descent with the police and the justice system; to prevent excessive use of force and racial profiling; to protect women, adolescents and girls of African descent from gender-based violence; to guarantee minimum income, social assistance, food, clean water, sanitation and timely access to intercultural health services; to provide free quality education without discrimination; to mitigate school disruption; and to promote quality jobs in positions of responsibility. She concluded by saying that it was necessary to build a new social contract based on human rights.

28. The representative of the Bolivarian Republic of Venezuela stated that poverty, lack of opportunities, and exacerbated economic inequalities led to racism. He recalled the violations against migrants in countries of destination and all the people in the world escaping conflicts or seeking a better life who ended up as victims of violence.

29. The representative of the European Union raised concerns over the gaps between legislation and the real effects of the latter on people's lives. She highlighted the need to join forces at all levels (international, national, regional, local and individual) and among all sectors (public, private, business and civil society). Responses against discrimination should be intersectional, comprehensive and horizontal, and should take into consideration sex, race, ethnic or social origin, religion or belief, political or any other opinion, disability, age, sexual orientation and gender identity. She stated the importance of developing a concerted and global approach that combined preventive measures, dialogue, best practices exchanges, educational programmes, promotion of tolerance and pluralism.

30. The representative of South Africa raised concern over systemic racism in justice and law enforcement, referring to findings of studies involving the monitoring of people deprived of liberty, which had shown that detainees were often separated by race and that the treatment of different groups was different.

31. The representative of the Plurinational State of Bolivia recalled that country's colonial experience and reaffirmed the importance of the recognition of the sorrow of people and their right to reparations.

32. The representative of a non-governmental organization (NGO) affirmed the importance of addressing intersectional discrimination, and highlighted the positive role of young people in promoting equality.

IV. Discussions on the implementation of the Durban Declaration and Programme of Action by Member States, the United Nations and other stakeholders

33. The Working Group considered, and held discussions on, the implementation of the Durban Declaration and Programme of Action by Member States, the United Nations and other stakeholders (under agenda item 7, as listed in the programme of work).

34. Kaylois Henry, from OHCHR, restated the Office's mandate, as set out in resolution 48/18, to establish a two-year communications strategy, including an outreach programme to raise awareness of and mobilize global public support for racial equality, particularly among young people. A project manager had been recruited to implement the resolution. Gabriela Gorjon, from OHCHR, introduced the "Learn, Speak Up, Act!" campaign, which was part of the wider #FightRacism campaign, and presented the objectives, key messages of the campaign and some data on its impact.

35. The representative of South Africa thanked OHCHR for the work done, and also stated that the Durban Declaration and Programme of Action were being attacked. Resolutions included mandates for OHCHR to promote the text of the Durban Declaration and Programme of Action, and not just the fight against racism. He asked OHCHR to make the information about the Durban Declaration and Programme of Action accessible to all audiences.

36. The representative of the Bolivarian Republic of Venezuela noted that in 2012, the country had established a council of people of African descent and had also adopted affirmative action policies for racial equality.

37. The representative of Namibia noted the importance of human rights education in building tolerance and preventing racism, stressed that it should be contextualized and contain information on the histories of racialized people, and welcomed the educational component of the OHCHR campaign.

38. The representative of the European Union reiterated the importance of education. The European Union anti-racism action plan for 2022–2025 had a chapter on education that emphasized the importance of training teachers and teaching children about racism and inclusion, and the importance of schools as safe havens free from racism and discrimination.

39. The representative of the Islamic Republic of Iran highlighted the need to draw attention to and raise awareness of emerging forms of discrimination, such as unilateral coercive measures, which deepened inequality.

40. The representative of China stressed that the draft declaration on the rights of people of African descent stipulated several times that colonialism and slave trade had led to social and economic disparities, and therefore called upon States to take all measures necessary to address legacies of colonialism. Racism persisted, and people of African descent, Muslims and Asians bore the brunt.

41. The representative of Belgium informed participants about the country's quest to fight colonial legacies, and mentioned that King Philip had visited the Democratic Republic of the Congo, where he had presented apologies for the colonial regime, which had been based on exploitation and racism. Awareness-raising was an essential tool in the fight against racism. The representative reaffirmed the commitment of Belgium to racial equality.

42. The representative of Mauritania considered racism as an international challenge. He stated that awareness-raising was the cornerstone of efforts to combat racial discrimination.

43. The representative of Namibia recalled the legacy of racism and imperialism, perpetrated over 100 years of colonized rule under Germany and South Africa, which had led to an unequal society in Namibia. The country's work on combating racism under the Durban Declaration and Programme of Action was informed by the lived experience of Namibian people. Such work included repealing discriminatory laws inherited from the apartheid regime and creating institutions such as the ombudsman.

44. The representative of Luxembourg stated that Luxembourg had been reviewed by the Committee on the Elimination of Racial Discrimination in 2022 and had hosted a country visit by the European Commission against Racism and Intolerance. After a 2018 study by the European Union Agency for Fundamental Rights, which had shown that 50 per cent of people of African descent in Luxembourg had reported racial discrimination, the Government had undertaken public lectures against racism; provided mandatory training on non-discrimination and diversity for municipal officials; and recruited experts in combating racism.

45. The representative of South Africa spoke of the national action plan adopted in 2019, which contained definitions of racism, inequalities, and institutional and systemic racism and a recognition of intersectionality as a driver for multiple forms of discrimination. As a result of the action plan, South Africa had reviewed more than one thousand laws that were discriminatory, had enacted laws against racism, xenophobia and related intolerance, and had created equality institutions.

46. The representative of the Islamic Republic of Iran stated that discrimination based on race and other grounds was banned by the country's Constitution, and that various laws had been passed to deal with various forms of discrimination and online hate speech. The Islamic Republic of Iran had submitted its combined report to the Committee on the Elimination of Racial Discrimination.

47. The representative of Ireland spoke about progress on the new National Action Plan against Racism, the new hate crime bill and the new National Equality Data Strategy. She noted that those measures demonstrated the Government's commitment to the issue and would enable the State to better address racism in all its forms.

48. The International Youth and Student Movement for the United Nations recommended engaging with the public on the actual content of the Durban Declaration and Programme of Action. It was important that OHCHR, in addition to raising awareness about the Durban Declaration and Programme of Action, counter the disinformation campaign against it.

V. Discussions on measures to be taken to enhance the effectiveness of the follow-up mechanisms for the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in their work

49. The Working Group considered, and held discussions on, measures to be taken to enhance the effectiveness of the follow-up mechanisms for the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in their work (under agenda item 8, as listed in the programme of work).

50. The representative of the European Union welcomed the possibility of having an open and frank discussion on the effectiveness of the various mechanisms created to combat racism, most of which had reporting lines to the Human Rights Council and the General Assembly. The representative stressed that ownership of those mechanisms by Member States was key. The European Union could not agree to the continual requests for additional resources, unless there was also a willingness to evaluate results. Not all mechanisms delivered; the European Union would like to have a broader discussion on the effectiveness of those mechanisms. She asked the secretariat to prepare a table summarizing the existing mechanisms and their functions, mandates, reporting obligations and dates of mandate renewal.

51. The representative of South Africa mentioned that the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action was mandated to promote the full implementation of the Durban Declaration and Programme of Action at high levels. The content covered by the Durban Declaration and Programme of Action was broad and did not encompass only people of African descent. It also included Islamophobia, antisemitism and other related forms of intolerance. The International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement had been established following the death of George Floyd. Its mandate had been extended to include human rights violations related not only to law enforcement but other areas of life,

such as health and education. He underlined that the operationalization of various mechanisms required funds. He considered it important to enhance the coordination of the mechanisms in order to make their functioning more effective, and stressed that mechanisms such as the Group of Independent Eminent Experts be included in such coordination.

52. The International Youth and Student Movement for the United Nations highlighted that the Group of Independent Eminent Experts had had a successful eighth session, which had covered issues that were broadly based and not covered by other anti-racial discrimination mechanisms.

VI. Discussions on the United Nations draft declaration on the promotion and full respect of the human rights of people of African descent

A. Presentation by experts

53. The Working Group considered, and had discussions on, the United Nations draft declaration on the promotion and full respect of the human rights of people of African descent (under agenda item 9, as listed in the programme of work). Experts gave presentations, as summarized below.

54. Michaela Moua, Coordinator for the European Commission on combating racism, presented recent measures and initiatives undertaken by the European Union in the fight against racism. She recalled the findings of a survey, published in a report subtitled “Being Black in the EU”, conducted by the European Union Agency for Fundamental Rights in 2018 that showed that people of African descent experienced higher rates of racial discrimination, harassment and violence than other populations. She recalled that the first European Union anti-racism action plan, adopted in September 2020, consisted of comprehensive, horizontal and intersectional measures to step up the fight against racism and discrimination in the European Union. She noted that the action plan recognized the importance of addressing the structural racism embedded in social, financial and political institutions. The purpose of the action plan was to address racism at all levels of society in a holistic manner. The action plan recognized different manifestations of racism, including anti-black racism, anti-gypsyism, antisemitism, anti-Muslim hatred and anti-Asian racism. The European Union was deeply concerned with the increase in hate speech and hate crime. The European Commission was strongly encouraging member States to develop and adopt national action plans against racism. The European Commission was also encouraging European Union member States to move towards a harmonized approach across the European Union in the collection of data on equality. To support that aim, the European Commission had published, in 2021, a guidance note on the collection and use of equality data based on racial or ethnic origin.

55. Pastor Murillo, member of the Permanent Forum on People of African Descent, highlighted three points with respect to the Chair’s draft. Firstly, an important part of the Forum’s mandate was to consider the elaboration of a United Nations declaration on the promotion, protection and full respect for the human rights of people of African descent. As a consultative mechanism for people of African descent, the Forum had sent a call for civil society inputs. In December 2022, the Forum had discussed the elements to be included in the declaration, and looked forward to making critical contributions to future drafts of the declaration based on extensive consultations with civil society, academics, Member States and other stakeholders. Secondly, it was vital for the relevance of the declaration that it not only compiled the human rights of people of African descent from a variety of established instruments, but also developed and complemented the provisions and standards of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and other relevant instruments and provided clear guidelines to address racial discrimination faced by people of African descent. Thirdly, the declaration should serve to recognize: systemic racism, including interpersonal, social, cultural, institutional and structural discrimination; recognize the specific, multidimensional and intersectional manifestations of racism, also known as Afrophobia; recognize the roots of racism in histories of colonialism, slavery and transoceanic trade, as well as socially

entrenched notions and practices of racial superiority and domination; and comprehensively address systemic racism, to dismantle it and establish equal enjoyment of rights in all areas of society. That could include individual and collective rights and special measures necessary to ensure the full and equal enjoyment of all human rights. Special attention and careful thought should be paid to reparatory justice for the legacies of colonialism, slavery, the transoceanic slave trade and trafficking, and racial apartheid.

56. Ms. Namakula affirmed that the future United Nations declaration on the rights of people of African descent was expected to be of the highest attainable standard, consolidating the gains made since the adoption of the Universal Declaration of Human Rights in 1948. She recalled that the focus of the twenty-second session of the Working Group of Experts on People of African Descent, held in 2018, had been: “Framework for a declaration on rights of people of African descent”. Regarding the preamble of the draft declaration, she requested positive consideration of the following: (a) the text contained under article 8 in the preparatory document should include that past legacies, including the trade and trafficking in enslaved Africans, colonialism and racial segregation, jointly or severally led to racism, racial discrimination, xenophobia and related intolerances; and (b) recognition of the cultural, economic, political and scientific contributions of people of African descent, since recognition was the third pillar of the International Decade for People of African Descent. Regarding the title, she noted that the initial title of the draft declaration represented only two forms of human rights obligations – to promote and to respect – and that the obligations to protect and to fulfil also deserved to be included in the title. She suggested that either the title should simply be “The Declaration of the Rights of People of African Descent”, or all obligations, including protecting and fulfilling, should be reflected. Ms. Namakula suggested the following recommendations regarding the text of the draft declaration: (a) inclusion of descent as a ground of discrimination; (b) the explicit provision for the right of people of African descent to physical and mental integrity and security of person; and (c) inclusion of age as a ground of intersectional discrimination. She also suggested that attention should have been paid to racial profiling and racial stereotyping, as well as automated or algorithmic profiling, and that provisions on women and girls of African descent should be consolidated in one particular provision.

57. John Antón Sánchez, professor at the Instituto de Altos Estudios Nacionales, Ecuador and member of *Articulación Latinoamericana para el Decenio Afrodescendiente*, proposed that the draft declaration be an evolution of international law, therefore it must be a declaration of rights of peoples of African descent, since a declaration of “persons of African descent” constituted something already won. Peoples of African descent in the Americas, like Indigenous Peoples, met the requirements of articles 1 and 2 of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No.169), which used the concept “Indigenous and tribal peoples” as a common denominator for a diversity of peoples that had their own cultures, languages, customs and institutions, which distinguished them from other parts of the societies in which they found themselves. The concept of “peoples of African descent” thus opened a legal status to support the collective rights of people of African descent. Another important aspect was jurisprudence established at the national level. The 1991 Colombian constitutional reform had allowed people of African descent to be recognized as black communities with rights over their ancestral territories. Later, the constitutions of Bolivia (Plurinational State of) and Ecuador had given the status of peoples to people of African descent, recognizing collective rights over their lands, identity and political participation. The amendment of the Constitution of Mexico had recognized the status of Afro-Mexicans as a people. In 2019, Chile had approved a law recognizing Afro-descendants as tribal people, while in 2022 Costa Rica had issued a decree recognizing the Afro-Costa Rican tribal people.

58. Gay McDougall, member of the Committee on the Elimination of Racial Discrimination, stated the importance of having an international instrument recognizing people of African descent as rights holders, who experienced in common serious harm subsequent to crimes that were transnational in nature, unprecedented and irreparable. She stressed that the achievement of the draft declaration would not be to create new rights, but to recognize people of African descent as rights holders, and to remove blockages and persistent denial of their human rights. She suggested general recommendation No. 34 (2011) of the Committee on the Elimination of Racial Discrimination as a source of inspiration for

the draft declaration but advised not to consider it a limitation to the further developments that the future declaration could generate. The future declaration would carry the significance of a consensus-based declaration of the General Assembly.

59. Verene Shepherd, Chair of the Committee on the Elimination of Racial Discrimination, commended the Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for her preparatory document. The declaration would provide a monumental step forward and an opportunity to find new ways to address racism. While acknowledging the intensification of the demand for rights for people of African descent in the globalization of the Black Lives Matter movement, she recalled that the articulation of the rights of people of African descent had a long genealogy, going back to protests against the capture and sale of Africans. The elaboration of such a declaration was justified by the need to acknowledge the negative legacies of colonialism that continued to affect the lives of people of African descent, including the legacies associated with the transatlantic trafficking in African people, and the laws that had been drawn up to deny them inclusion in the human family. Failing to adopt and implement such a declaration would dishonour the suffering of those who had been subjected to colonial atrocities. She expressed concerns over anti-reparation claims made by some Member States on the ground that human trafficking and chattel enslavement were not illegal under international law at the time they were perpetrated. She called for States to embrace the progressive agenda that was represented by the draft United Nations declaration and expressed the wish that States would finally apologize and effectively settle the debt they owed for their wrongs of the past. Standing up for the rights of people of African descent was not to be anti-white, but simply standing up for human rights. The draft declaration should echo the Durban Declaration and Programme of Action and the aims of the International Decade for People of African Descent, including equal right to education. She expressed support for integrating a reference to the CARICOM Ten Point Plan for Reparatory Justice, adopted by the Caribbean Community, as a solid framework for addressing the continued impact of colonialism through a comprehensive development package. The declaration should also align with the commitment of the Sustainable Development Goals and ensure that people of African descent were not left behind.

60. Roberto Rojas, Chief of the Inclusion of Vulnerable Groups Section, Organization of American States, suggested the inclusion in the draft declaration of definitions of racism, racial discrimination, direct and indirect discrimination and intersecting discrimination, using language from the International Convention on the Elimination of All Forms of Racial Discrimination or other relevant international legal frameworks. He recalled the recent decision of the Inter-American Court of Human Rights in the case of *Costa v. Argentina*, where the Court had requested Argentina to train justice administrators and security forces on national and international legislation to combat racial discrimination, in order to prevent and eradicate racial profiling and excessive use of force, especially against people of African descent. He suggested adding a similar recommendation in the draft declaration. The declaration should also promote the recognition of intangible cultural heritage of people of African descent and encourage investment in centres for research on the cultures of people of African descent. He also proposed including in the draft declaration a recommendation addressed to States to allocate sufficient budgetary resources for the implementation of the declaration. The declaration should also promote the adoption of special measures to provide mental health services for people of African descent and victims of racism. Lastly, he recommended that a mechanism should be designated in order to monitor the commitments under the declaration and to promote its effective implementation.

61. Maya Sahli-Fadel, Vice-Chair of the African Commission on Human and Peoples' Rights, welcomed the General Assembly's request to the Working Group to devote at least half of its twentieth session to the text of the draft declaration, the adoption of which, in her view, would push States to adopt concrete measures and mobilize public authorities to eradicate systemic racism, which divided societies and fuelled inequalities. She recalled the importance of reparations for past violations and their present consequences, considering such reparations necessary to ensure non-repetition, reconciliation and the building of inclusive and just societies. She noted the fundamental need for ensuring the effective participation of people of African descent, including women and young people, throughout the entire process of drafting the declaration. She concluded by underscoring that by

contributing to the enhancement of racial equality and justice for people of African descent, such a declaration would strengthen the rule of law, democracy, peace and development in general, thereby benefiting all societies.

B. Presentation of the Chair's preparatory document

62. The Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme recalled that the General Assembly, in its resolution 76/226, had requested the Working Group to devote at least half of its annual session to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. Following that resolution and in order to facilitate discussions, she had drafted the preparatory document. The draft presented was the result of a systematic review of existing international human rights law and of inputs made by various stakeholders. The draft text advanced concrete measures to combat racial discrimination against people of African descent, and elaborated their rights in accordance with international human rights law. The document thus addressed both ancient and contemporary manifestations of racism that had a particular impact on people of African descent.

63. Delegations agreed with the Chair's proposal to have a first reading and initial discussions based on the preparatory document. The agreed results would be included in the report on the session (see annex D), although it would not prevent the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action from returning to those paragraphs and proposing new changes during its twenty-first session.

64. The representative of Argentina, also speaking on behalf of Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama and Peru, stated that after internal consultation, the group of States on whose behalf he was speaking expressed their full support to the efforts of the Working Group to prepare a draft declaration. Even though they had not yet adopted a precise stance on the text, and without prejudice to a definite pronouncement, those States had agreed on the unequivocal message to send through the declaration in favour of people of African descent's rights, being strongly convinced that the declaration was a necessary instrument to complement the Durban Declaration and Programme of Action.

65. The representative of Colombia welcomed the initiative to draft a United Nations declaration on the rights of people of African descent, including individual and collective rights. The declaration should include references to access to justice, collective memory and the relationship to land. It should provide for adequate reparations with regard to the realities of people of African descent, for which historical data was essential. It was important to adopt an intersectional approach to address violence and discrimination faced by women of African descent.

66. The representative of the United States of America stated that his country was profoundly committed to advancing racial equity and justice and advancing the rights of people of African descent. His country was committed to dismantling the deeply rooted vestiges of systemic racism, including the institutional remnants of transatlantic slavery and the impacts of colonialism, to achieve racial equity and justice for people of African descent.

67. The representative of Brazil welcomed that the main objective of the declaration was to build the legal, political and institutional capacities necessary to combat racism and promote the human rights of people of African descent. The text should incorporate actions to strengthen the capacity of States to combat racism and to promote equality, and to consolidate the international legal framework. The declaration should be aimed at guaranteeing fundamental rights, as well as equitable access to public goods and services and equal opportunities. It should also recognize the root causes of racism in the history of colonialism and the condition of social vulnerability of people of African descent. The declaration should indicate that people of African descent were free and equal to all other peoples and should not be subjected to discrimination and prejudice based, in particular, on their origins and identity. The declaration should be aimed at deepening and strengthening existing international human rights standards.

68. The representative of the Bolivarian Republic of Venezuela commended the Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action for her guidance on the endeavour. He noted that the declaration should be adopted by consensus and should provide for racial equality, the use of disaggregated data and reparations.

69. The representative of South Africa welcomed the Chair's preparatory document, particularly the inclusion of the issue of reparations in the draft declaration, while recalling the opposition from some former colonial States with regard to engaging in that issue.

70. The representative of the European Union noted the difficulty of building consensual positions on certain issues within the European Union due to the existence of diverging positions among European Union member States, in particular on the issue of reparations, mainly due to different historical trajectories. She recalled that the European Union, at the fifty-first session of the Human Rights Council, had recognized the importance of discussing and addressing the issue of colonialism, and that combating racism also meant acknowledging and addressing past transgressions. The European Union had also recognized that slavery and the slave trade, including the transatlantic slave trade, were tragedies in history, and had further recognized the need to have constructive conversations on those issues to grapple with past injustices. She stressed the importance of carefully reflecting on the language. She affirmed some horizontal principles that were particularly relevant from the European Union perspective: (a) the principle of the universality of human rights, which had to be reflected in any United Nations instrument; (b) the importance of placing the declaration in continuity with the International Convention on the Elimination of All Forms of Racial Discrimination and the need for coordination between the legal texts; and (c) the need for ensuring inclusivity in the process and consensus.

71. The representative of the United States underscored his country's continued support to the Committee on the Elimination of Racial Discrimination, the Human Rights Council and the latter's mechanisms on confronting racism. He welcomed efforts to frame the draft declaration in terms of the International Convention on the Elimination of All Forms of Racial Discrimination, which was the strongest multilateral agreement in that area. Transatlantic slavery was a complex worldwide system, and dialogue on the issues of reparations and reparatory justice had a global component that should be addressed in a constructive manner. The Joseph Biden-Kamala Harris Administration supported studying reparations in the context of the legacy of slavery in the United States. Approaches to reparations could take different forms in different country contexts.

72. The representatives of Iraq and Iran (Islamic Republic of) stressed the importance of keeping the text of the draft declaration in conformity with current international law and international human rights law. They added reservations to references to "intersectional forms of discrimination", alleging that the formulation did not enjoy consensus, and proposing, to replace it, "multiple forms of discrimination based on other related grounds".

73. The representative of China asked that the reservation of China on the formulation "right to clean, healthy and sustainable environment" be recorded, observing that it was not consensus language yet.

74. The representative of Iraq asked to add the reservation of Iraq on "sexual and gender-based violence". The representative recalled that the declaration had to be compatible with existing international human rights law and the notion of sexual and gender-based violence did not enjoy consensus at the international level. The representative of the Islamic Republic of Iran supported the reservation made by Iraq in reference to the formulation "gender-based violence".

75. The representatives of Costa Rica and Panama and the European Union asked to add a reservation on references to collective rights, stressing the need to receive feedback from the respective national capitals and regional groups. Also on collective rights, the representative of the United States added that the draft framed human rights as collective, and that it asserted that people of African descent had collective rights similar to those of Indigenous Peoples. Human rights were, with certain limited exceptions, understood as individual rights, not collective rights.

76. The representative of the European Union further observed that the Durban Declaration and Programme of Action did not recognize collective rights, while reference to the collective dimension of the rights had been included in the United Nations Declaration on the Rights of Indigenous Peoples and in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. That important aspect deserved to be further discussed at the national level.

77. The representative of the United States stated that it was the understanding of the United States that the declaration would be non-binding, and not intended to create additional obligations under international law. He added that several countries, including the United States, had longstanding concerns with specific elements of the 2001 World Conference against Racism, the 2009 Durban Review Conference and the Durban Declaration and Programme of Action.

78. The representative of the European Union, speaking about the term “Afrophobia”, stated that the European Union legislative framework used the term anti-black racism and not Afrophobia, and therefore requested to record her reservation in that respect.

79. The representative of the Russian Federation stated that the text required meticulous fine-tuning and discussions with the capital, and reserved the State’s position for now on the whole text of the draft declaration.

80. A representative of an NGO noted that the declaration should reaffirm the Durban Declaration and Programme of Action, welcomed the recognition of the term “Afrophobia” in the draft declaration and noted that the Government of Sweden had adopted a programme that addressed “Afrophobia”.

81. A representative of an NGO noted the importance of listening to people of African descent in the European Union. She noted the importance of working collectively to debunk the demonization of the Durban Declaration and Programme of Action, and reaffirmed their relevance to the elaboration of the draft declaration.

C. Consideration of elements for the future declaration

82. After initial discussions, the Working Group considered the elements contained in annex I to the present report as elements for the future United Nations declaration on promotion and full respect of the human rights of people of African descent, pursuant to General Assembly resolution 76/226.

83. The Working Group decided that discussions on the draft declaration were an ongoing process, and would continue during its twenty-first session, which would take place in October 2023.

84. The Working Group invited its Chair to review her preparatory document, taking into consideration existing human rights language, and requested her to circulate her revised draft in April 2023.

Annex I

Elements for the draft United Nations declaration on promotion and full respect of the human rights of people of African descent

Title

Draft United Nations declaration on the respect, protection and fulfilment of the human rights of people of African descent

Preamble

Reaffirming our commitment to the purpose and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

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

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

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

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

Recalling General Assembly resolution 75/314, by which the Assembly decided to establish the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders, with a mandate to consider the elaboration of a United Nations declaration on the promotion and full respect of the human rights of people of African descent,

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

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

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

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

Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men and women of all ages as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies,

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

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

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

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

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

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

Determined to promote multilateralism, and calling for solidarity and closer collaboration within and between States, and with other stakeholders, in the fight against all forms of racism, racial discrimination, xenophobia and related intolerance aimed against people of African descent,

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

Article 1

People of African descent

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

Article 2

Equality and non-discrimination

1. All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the present Declaration, without distinction of any

kind, such as race, colour, sex, age, language, religion, disability, political or other opinion, national or social origin, property, birth or other status.

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

Article 3

Right to a life free from racism and racial discrimination

1. People of African descent have the right to be free from any kind of racism, racial discrimination, xenophobia and related forms of intolerance in the exercise of their rights, in any sphere of life, public or private, both online and offline.

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

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

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

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

Article 4

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

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

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

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

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

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

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

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

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

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

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

(i) Adopt special measures, such as affirmative action policies, where appropriate, to alleviate and remedy disparities and structural disadvantages in the enjoyment of human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent structural disparities and de facto inequalities resulting from historical circumstances;

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

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

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

Article 5

Preventing and combating racism and hate speech

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

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

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

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

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

Article 6

Promotion and recognition of, and respect for, the culture, history and heritage of people of African descent

1. States shall promote greater knowledge and recognition of, and respect for the historical contributions of people of African descent to the growth and development of the global economy; their historical contribution to the conservation of biological diversity, and development of the sustainable use of genetic resources; and the contribution of their traditional knowledge and languages to scientific knowledge.
2. States shall recognize the domestic and international histories and heritages, and cultural and other contributions to societies, of people of African descent. States shall also raise awareness of and take educational measures on the histories, heritages and cultural and other contributions to societies of people of African descent.
3. States shall adopt and implement comprehensive programmes to recognize, disseminate and promote knowledge about the cultures, histories and heritages of people of African descent, including but not limited to research and education programmes, with a view to restoring the dignity of people of African descent.

Article 7

Educational systems

1. States shall ensure access to education and promote access to new technologies that would offer Africans and people of African descent, in particular women and children, adequate resources for education, technological development and long-distance learning in local communities. States are also urged to promote the full and accurate inclusion of the histories and contributions of Africans and people of African descent in the education curriculum.
2. States shall commit themselves to ensuring access to free primary education for all girls and boys, and access for adults to lifelong learning and education, based on respect for human rights, diversity and tolerance, without discrimination of any kind.
3. States shall ensure equal access to education for all in law and in practice, and refrain from any legal or any other measures leading to imposed racial segregation in any form in access to schooling.
4. States shall take appropriate measures to ensure equal opportunities for and access to higher education by students of African descent through, inter alia, positive or affirmative action measures, mentorship programmes and university curricula that reflect their needs and interests, paying particular attention to the rights and special needs of women, children and persons with disabilities of African descent.

Article 8

Data collection, analysis and use

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

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

(b) The statistical data and information should be collected with the objective of monitoring the situation of people of African descent, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose

of determining whether any measures have an unintentional disparate impact on individuals or groups facing racial discrimination. To that end, the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information is recommended;

(c) The information should reflect economic and social indicators related to people of African descent, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income, in order to facilitate the elaboration of social and economic development policies with a view to closing the existing gaps in social and economic conditions.

Annex II

List of participants

Member States

Algeria, Argentina, Austria, Barbados, Belgium, Bolivia (Plurinational State of), Brazil, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Ecuador, Eswatini, Ethiopia, Finland, Greece, Guatemala, Iran (Islamic Republic of), Iraq, Ireland, Lithuania, Luxembourg, Malawi, Mali, Mauritania, Mexico, Myanmar, Namibia, Nepal, Netherlands, Panama, Peru, Russian Federation, Rwanda, Sierra Leone, Slovenia, South Africa, Sudan, Togo, Ukraine, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Zambia.

Intergovernmental organizations and United Nations bodies and agencies

European Union
 Organization of Islamic Cooperation
 United Nations Population Fund

Non-governmental organizations

Alliance Defending Freedom
 Association PANAFRICA
 Commission africaine des promoteurs de la santé et des droits de l'homme
 Commission of the Churches on International Affairs of the World Council of Churches
 Friends World Committee for Consultation
 Fundación Cepaim, Acción Integral con Migrantes
 Genève pour les droits de l'homme : formation internationale
 Habitat International Coalition
 International Association for Religious Freedom
 International Human Rights Council
 International Youth and Student Movement for the United Nations
 International-Lawyers.org
 Samuel DeWitt Proctor Conference, Inc.
 Tiye International
 Youth against Racism