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HUMAN RIGHTS COUNCIL

Seventh session

Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED  
FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION  
OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Report of the Working Group of Experts on People of  
African Descent on its seventh session  
(Geneva, 14-18 January 2008)**

**Chairperson-Rapporteur: Mr. Peter Lesa Kasanda**

**Summary**

Pursuant to decision PC.1/10 of the Preparatory Committee for the Durban Review Conference (A/62/375, annex I, sect. XIII), in which it requested the Working Group of Experts on People of African Descent and other relevant human rights mechanisms, including other special procedures, to assist the Preparatory Committee by undertaking review and submitting recommendations, through the Office of the High Commissioner for Human Rights, as contributions to the outcome of the Review Conference, the Working Group, in its seventh session, reviewed the recommendations that it had made in previous sessions in order to distil its contribution.

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## I. INTRODUCTION

1. The Working Group of Experts on People of African Descent held its seventh session from 14 to 18 January 2007 at the United Nations Office at Geneva.
2. The Director of Operations, Programmes and Research Division opened the session. The Working Group elected Peter Lesa Kasanda as its Chairperson-Rapporteur.
3. The present report reflects the general course of the debate.

## II. ORGANIZATION OF THE SESSION

4. At its seventh session, the Working Group held eight public meetings and one private meeting. It was attended by the following members: Peter Lesa Kasanda (Chairperson-Rapporteur), Joe Frans, Georges Nicolas Jabbour, and Irina Moroianu-Zlătescu; observers from 41 Member States and 1 observer from a non-Member State, 6 non-governmental organizations and 1 intergovernmental organization (see annexes I and II for the list of participants and the agenda).<sup>1</sup>

## III. SUMMARY OF DELIBERATIONS

5. The Director of Operations delivered the opening address.
6. The Director of Operations declared that, since the World Conference on Racism in Durban in 2001, progress has been made but important challenges still persisted. She pointed out that people of African descent were often the least favoured when it came to access to education, housing and employment. In 2009, the Durban Review Conference would be held, an opportunity to measure how far progress has been made in fulfilling the laudable commitments established in Durban in 2001. People of African descent around the world in the diaspora, as well as in Africa, could benefit in their daily lives from the recommendations that the Working Group made to the Preparatory Committee for the Durban Review Conference.
7. She pointed out that the lack of disaggregated data disadvantages the people of African descent, as neither a clear understanding of the state of affairs nor a viable and comprehensive solution can be arrived at without accurate disaggregate data. She reminded the room that racial profiling was a serious problem that affected people of African descent. The Director of Operations expressed her certainty that the resulting document would be a significant tool to advance the fight against racism suffered by people of African descent.
8. The Chairperson-Rapporteur thanked the Director of Operations and the experts for electing him as the Chairperson. He stated that the scourges that did so much harm must be tackled head-on and that week was an opportunity to redouble efforts. He welcomed the invitation of the Preparatory Committee made to the human rights mechanisms, such as the Working Group of Experts, to assist by undertaking and submitting recommendations through

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<sup>1</sup> All working papers submitted by the experts and participants are available at the Secretariat or can be found on the OHCHR website: [www2.ohchr.org](http://www2.ohchr.org).

the Office of the High Commissioner. The Chairperson-Rapporteur thanked the panellists for their presence and future contributions that he knew would enrich the final discussion and the final contribution to the Preparatory Committee.

9. The provisional agenda was adopted.

10. The Chairperson introduced agenda item 5 by calling to the attention of the Working Group the need to encourage discussion and arrive at concrete recommendations to the Preparatory Committee for the Durban Review Conference.

11. A statement was made on behalf of the African group to encourage a rich and extensive discussion in order to prevent gaps and ensure the session of the Working Group was brought to a positive end. A desire was also expressed that the Working Group, panellists and State observers should unite to ensure that the Working Group effectively fulfilled its mandate.

#### **A. Analysis of conclusions and recommendations made by the Working Group at its previous sessions**

##### **Item 5 (a) (i): Administration of justice**

12. Mr. Frans, member of the Working Group on People of African Descent, presented his paper on the administration of justice. He started his presentation with a brief report of the meeting of the African Union in Paris with people of African descent living in Europe. The objective of that meeting was to create sustainable partnerships between people of African descent around the world and the African continent through a realizable programme of action. In his paper, he highlighted the discrepancies in access to justice for peoples of African descent in comparison with other racial groups within a given society. During his presentation he further highlighted the fact that people of African descent were among the most vulnerable and discriminated groups, and for that reason needed specific legal mechanisms protecting their right not only with regard to adequate and fair trials, but also in all other areas of the justice system. Mr. Frans also mentioned the need to establish and collate best practices from several regions which would be used in effectively combating the scourge of racism.

13. There was general endorsement of the ideas and concepts of Mr. Frans' presentation.

14. Mr. Kasanda, Chairperson of the Working Group on People of African Descent, opened the floor to debate on the theme of the administration of justice.

15. Several comments were made by members of the floor highlighting not only the lack of access to justice in its administration but also the lack of representation by peoples of African descent in justice systems, judicial appointments, magistrates' courts and all the way to the high courts of many States.

16. The need for disaggregated information on the presence of people of African descent in the justice system was identified as important.

17. An issue was raised concerning the economic situation of people of African descent in relation to the administration of justice and how a lack of adequate funding had an impact on their right to afford good representation. That situation led to limited or inadequate defence

which, in turn, could lead to imprisonment which subsequently had an impact on the community of people of African descent as there were fewer able workers to contribute to the local economy. A call was made for a study to be made on discrimination in the justice system, first suggested by Leila Zerrougui. It was suggested that following up on Ms. Zerrougui's suggestion was long overdue.

18. Comments were also made regarding the fact that the majority of violence and victims of improper administration of justice were youths of African descent; several commentators stressed the need to determine why that was the case.

19. A further comment was made regarding the necessity for a racial equality index to be developed in order to determine such things as racial abuse in the administration of justice. A suggestion was made that the United Nations Development Programme should establish a racial equality index as part of its human development index.

20. A person from the floor inquired whether the Working Group had found any forms of best practices mentioned by Mr. Frans. Furthermore, it was noted that, in its first and second sessions, the Working Group had pointed out the need for more studies and a compilation of data regarding jury selection and police violence. Although mention had been made of the need for such a study, nowhere did it indicate who exactly would compile that study. It was thought that such a study would be of great use to the Durban Review Conference.

21. Mr. Frans thanked the room for its contributions and stressed their importance to the Preparatory Committee and the Durban review process. As the jury was one of the most important factors concerning the administration of justice, he added that it was imperative for defendants to be judged by a jury of people that reflected the racial dynamics of the country in question.

22. Mr. Frans then stated that it was difficult to properly assess the number of people with inadequate access to justice, particularly in larger countries. This was especially so in the case of people from specific segments of society.

23. He stated that best practices that work in one region should be transferred to others, including national plans of action.

24. Mr. Kasanda underlined the problem of impunity in the police force. There was still a need for guidelines, recommendations and sanctions regarding the need to recruit officers of all races to reflect racial diversity and to ensure that human rights principles were included in training law enforcement officers. Without the necessary political will, those recommendations would have great difficulty in being implemented.

25. Mr. Frans, commenting on the issues of best practices, mentioned as an example the first study within the framework of the Council of Europe. He stated that that study examined constitutional frameworks in different countries. He also indicated that some countries were more active than others. In Belgium, for example, the responsible ministry was quite actively working on disaggregated data.

26. Regarding the racial equality index, Mr. Frans stated that one idea that needed to be part of it should be whether States had ratified the relevant treaties and conventions with or without reservations. This was practical information that should be included in the index.

**Item 5 (a) (ii): Media**

27. Mr. Frans, expert of the Working Group on People of African Descent, began his presentation on the media by stressing the fact that the role of communication and media in the process of development should not be underestimated. Most western media treated the cultures of industrialized nations as superior and the cultures of the developing nations as inferior. The media had enormous influence in shaping public perception of situations around the world. The images of Africa in Western media were, by and large, images of misrepresentation. Media had a responsibility and an obligation to combat racism. Thus, a code of conduct for the media was needed.

28. Ms. Irina Moroianu-Zlătescu, member of the Working Group on People of African descent, expressed her belief that the media had not only an important role to provide information but also a certain responsibility. People always spoke of rights but not enough of responsibilities. The role of the education and the training of the mass media were meant to prevent discrimination.

29. A comment was made regarding the importance of the interconnection between media and the administration of justice. An instance was provided in which the media were irresponsible in their broadcasting; instead of relieving an already tense racial situation, they heightened it by explicitly showing attack dogs mauling black Mozambique immigrants at the South Africa/Mozambique border. The commentator further stressed the importance of the media in general - not just the imbedded media - in being sensible with regard to the type of imagery and content they chose to show.

30. An intervention was made regarding the actual possibility of creating a code of conduct for journalists and, if possible, what would be the time frame for implementing such a code of conduct and who would implement it.

31. Other commentators stressed that, though a code of conduct might have several question marks regarding its implementation, it was imperative to begin work as one was long overdue. The commentator stressed that there should be measures which recommend that the rights and the reputation of persons should be protected. The commentator cited in particular a document adopted at a 2007 Ministerial Conference on People of African Descent which asked that a code of conduct be set up. The observer in that instance recalled Tony Blair's reaction concerning the well-known cartoons in the Danish newspapers, and stated that, although Mr. Blair had said that although the cartoons were not illegal acts according to British law, there had to be some self-restraint so as to avoid using freedom of expression as an excuse for insults.

32. There was general agreement that the nature of images presented by the media had been a very important issue within the United Nations. It was stressed that that issue should be looked at in a progressive manner and attempts should be made to balance freedom of expression with attempts to reduce incitement of race and religious hatred. The particular importance of regulating against hate media was stressed.

33. One of the first steps mentioned in addressing the issue should be the start of negotiations with the International Federation of Journalists for the creation of a code of conduct to be followed by the media.
34. There was also mention of the negative portrayal of black women in the media, which contributed to their being victims of violence. There was further mention of youths of African descent being portrayed as criminals by the media in Latin America, and it was suggested that there should be an alternative to portraying adolescents only as rappers and potential sports players. There is no portrayal of them as having the potential to be professionals.
35. One member of the panel stated that ownership of the media was concentrated in fewer and fewer hands; that could be one of the major causes for the negative portrayal of people of African descent. The Durban review process could be an opportunity to open a frank dialogue with the media regarding how people of African descent were portrayed by them.
36. Regarding alternative media, such as the Internet, it was stated that they were very important as most youths had access to alternative media and actively communicate using them. The Working Group and OHCHR were challenged to take advantage of alternative media outlets, such as YouTube, during the Durban review process, to encourage young people to participate in its activities over the Internet and other alternative media channels.
37. This was followed by mention of the absence of quantity and quality of reporting on people of African descent; the issues that are particularly important to people of African descent were being ignored, and there was a surplus of reporting that showed people of African descent in a bad light. The Durban Review Conference would be an excellent opportunity to end the invisibility of the Durban process. There was substantive coverage of the Durban Conference in 2001, but the tragedy of 9/11 had the effect of wiping the Durban agenda off the world's conscience.
38. One observer stressed that it would be imperative to have a mixture of binding and voluntary measures to be taken and implemented by the media. There was a view of false reporting as a growing problem that threatened international peace and progress.
39. The international legal framework, it was stated, was conceived shortly after genocide in Europe, where there had been an abundance of incitement to racial and religious hatred. As a result of time and increased freedom of expression, people had forgotten that dark chapter of history. The threshold should be lowered to tackle incidences of incitement to racial and religious hatred. The media, it was further stated, was currently not subject to scrutiny, as there were no effective media watchdogs. There was a difference between freedom of expression and freedom of opinion; while the right to holding an opinion was absolute, that of expression was not, if it implied infringing on the enjoyment of others of their specific rights.
40. Mr. Frans, expert of the Working Group on People of African Descent, mentioned that the Western media dominated and financial and technical wealth determined what was reported and exported to the rest of the world. He mentioned that most studies had shown that the international news flow was still controlled by only a handful of newsagents. That, he believed,

had made most news carriers follow the same news flow lines. He elaborated further by stating that there was a huge concentration of media and that was a problem, but it became even worse, because it served to propagate the images spread by the media of Africa as a dark and backward continent.

### **Item 5 (a) (iii): Access to education**

41. Ms. Irina Moroianu-Zlătescu, member of the Working Group on People of African Descent, made her presentation on access to education. She emphasized the link between the themes of the Working Session and international tools such as the UNESCO Convention against Discrimination in Education. It was certain that equal access to education and the decrease and eradication of the disadvantages accumulated by people of African descent throughout history because of racism and discrimination was a prerequisite for equality in the exercise of other human rights, be they economic, social and cultural, or civil and political, including access to all levels of decision-making. That was the reason why the recommendations on education were an inseparable part of the whole set of conclusions and recommendations adopted by the Working Group during its mandate.

42. Ms. Alma Jenkins, one of the invited panellists for the Working Group, made a presentation on intercultural education in Latin America and the Caribbean. Ms. Jenkins conducted a brief analysis of the impact of education in race relations in Latin American countries. For Ms. Jenkins, there was no way of talking about the right to education without a reflection upon the issue of funding, which needed to be not only increased but also equitable.

43. A comment was made that educational inequalities in South America were also seen in the United States of America. A commentator argued that the educational system in the United States has been directed in such a way so that black children, when they left school, were not equipped to have skilled jobs.

44. There was also comment on the inconsistency in terms of dealing with the two international covenants and that bridges had not yet been built between the two.

45. Further comments were made that, in some instances, the problem was not so much access to education as the quality of it. These comments highlighted that fact that a majority of school curricula failed to teach important issues to children of African descent, such as the history of their culture and the transatlantic slave trade. As education ultimately led to better employment, commentators believed that the problems of racism and access to education were intimately linked to those of racism and employment.

46. Ms. Jenkins stressed that youth of African descent had to be empowered. Attention had to be paid to young males, as there was growing evidence of empowered and active females of African descent without male counterparts.

47. She also mentioned that programmes designed to assist in the education of children of African descent were generally at the primary school level and diminished as the age of the child increased.



**Item 5 (a) (iv): Racism and employment**

48. Mr. Patrick Taran, panellist for the Working Group on People of African Descent, made his presentation on racism and employment. Mr. Taran provided a detailed analysis on the necessity of work. A job, with decent conditions, was central to everyone's participation in society, to their independence, self-reliance, identity and dignity. He stated that unemployment was a generator of social exclusion, personal destabilization, deconstruction of identity and dignity. Racism was seen essentially as a construct elaborated to justify exploitation, slavery and socio-economic stratification. The differentiated characterization of groups according to physical and presumed intellectual and social characteristics served to organize and justify different treatment in the world of work. Race and employment remained intimately intertwined in today's globalized capitalist economic order. The realm of employment was a major arena for action and for the empowerment of communities, notably for people of African descent.

49. There was commentary on the need to accumulate relevant statistics in order to effectively gauge the real advances that the international system had made in combating racism and unemployment.

50. Comment was made regarding the situation of people of African descent with regard to the informal employment sector. Several members stressed the fact that most of International Labour Organization provisions failed to take into account the need to provide adequate support and assurance of good working conditions and working entitlements for people in the informal working sector, where the majority were people of African descent.

51. Domestic workers in South America were highlighted as a specific section of the informal sector that enjoyed few of the benefits normally attributed to people in the informal sector, even though it was a very large employer not only of people of African descent but also a large number of other races in South America.

52. In conjoining the twin themes of access to education and racism and employment, an observation was made that most of those affected in both instances were already living in poverty and thus did not themselves have the tools to redress that poverty. Solutions to that situation had to be created, otherwise those problems would continue to persist. It was mentioned that advances had been made, but that appropriate enforcement was lacking.

**Item 5 (a) (v): Racism and health**

53. Dr. Christina Torres, regional adviser of the Pan American Health Organization (PAHO), delivered her presentation on racism and health. Her paper reiterated the requirements of the Durban Declaration and Programme of Action with regard to health and its relevance to people of African descent. In highlighting all the articles relevant to people of African descent, she stressed that there was a need to collect systematic and disaggregated data regarding the health situation of people of African descent. She highlighted the advancement of projects in Latin America that had been implemented post-Durban to assist in combating discrimination in areas of health, including the project by the Special Secretary for the Promotion of Racial Equality in Brazil. She also stressed her organization's creation of a new gender and ethnicity unit, requested in paragraph 154 of the Durban Declaration and Programme of Action, to promote and develop activities for the identification of the impact of discrimination on health

and to mainstream gender and ethnic discrimination as social determinants in health. She also mentioned the intensive work being undertaken by several Latin American communities to ensure that health facilities were available to peoples of African descent.

54. Several members of the floor acknowledged Ms. Torres' presentation on racism and urged PAHO to include and implement relevant paragraphs of the Durban Declaration and Programme of Action in its work and to address the issue of the death of young black youths not merely as homicide but as a serious issue of public health.

55. Ms. Torres responded to all issues concerning her presentation on racism and health and reiterated the fact that combating racism was a legal obligation of the State. However, she stressed the limited human and financial resources of organizations, such as the one for which she worked.

#### **Item 5 (a) (vi): Racism and housing**

56. Mr. Kasanda, Chairperson-Rapporteur, introduced the topic by saying that, during its fourth session, the Working Group had discussed the theme of racism and housing. That theme negatively characterized the situation of people of African descent. The condition of poverty was usually associated with inadequate housing. The enjoyment of many other rights was often eloquently indicated by the enjoyment of adequate housing. It was important that States keep reliable and disaggregated data to monitor living conditions. There was a need to ensure descent housing and to establish independent bodies that had the authority to hear and redress complaints of victims, and which could regulate fair rating prices and housing markets.

57. There was further commentary from the floor on the issue of housing; a few participants spoke of the lack of Government measures to protect the right to adequate housing of people of African descent. One commentator highlighted the situation of several underprivileged black and Latin American communities and the large-scale displacement of black people as a result of Hurricane Katrina in the United States.

58. Mr. Frans provided a general comment regarding mistreatment of illegal immigrants who endured conditions of modern-day slavery. He also commented on segregation in housing and economic disparity.

#### **Item 5 (a) (vii): Participation of people of African descent in political, economic, social and cultural aspects of society and in the advancement and economic development of their countries**

##### **(a) General**

59. Mr. Kasanda, Chairperson of the Working Group of Experts on People of African Descent, presented a paper on the participation of people of African descent in political, economic, social and cultural aspects of society and in the advancement and economic development of their countries. The Chairperson stressed that the participation by people of African descent in all aspects of public life was a matter of human rights. He stressed that allowing people of African descent to participate in politics and social and cultural activities was not to be viewed as a favour or a gesture of magnanimity by the Government or governing elite. He explained further

that people of African descent and other minorities had a right to participate in the formulation of laws by which all must live. He further stressed that States had to design policies to target their poor by reversing conditions that led to their exclusion from participating in public life and also adopt affirmative policies and strategies for inclusion. In conclusion, he stressed the necessity of establishing a voluntary fund to enable non-governmental organizations to attend the annual meetings of the Working Group and deliver their important contributions.

60. Mr. Salih Booker, panellist for the Working Group on People of African Descent, presented his paper on participation of people of African descent in political, economic, social and cultural aspects of society and in the advancement and economic development of their countries. He stated that globalization was a process that started with the transatlantic slave trade and colonialism has resulted in a global apartheid. A person's opportunity to realize their basic human rights was largely determined by race, gender and geography. Global governance was dominated by people of European descent. He added that Africans had only gained the right to participate fully in their own governance in the past five decades, and that people of African descent in the Americas were still struggling to achieve equal participation in the national life of the countries where they lived.

61. He emphasized the fact that Africa was invisible, people of African descent were invisible, the historic accomplishments of the World Conference against Racism had been made invisible, and that the Working Group was at risk of being made invisible as was the Durban review process. Such invisibility was a manifestation of the conscious and unconscious modern racism that all had to continue to fight to overcome. He stated that the Durban review process offered a unique opportunity to reclaim the historic accomplishments of the World Conference against Racism, as embodied in the Durban Declaration and Programme of Action and which represented an historic international consensus on how best to combat racism in our time. It was an opportunity to make visible that which had remained invisible since 2001 and to hold States accountable for their actions on what they committed themselves to at that time.

62. Several observers mentioned that they found Mr. Booker's presentation insightful. What was most striking about the presentation was the emphasis placed on the principle that civil and political rights were useless without economic and social rights.

63. Mention was made in the room of the issue of reparations. Comments were made in support of the view that racism was about victims and, inevitably, remedies for victims such as reparations were needed. There were recommendations that the Working Group should deal with trying to maximize remedies for victims. There were other dissenting voices that believed that the issue of reparations would divide the work and participants of the Working Group.

64. There was also much support for the ideas highlighted by Ambassador Kasanda regarding appropriate funding for non-governmental organizations and other civil society groups to be able to actively participate in the work of the Working Group.

65. A comment was made that racism was a disease affecting not only the victims but the perpetrators as well; racism had many deep and practical implications. The advancement of people of African descent was ultimately linked with the development of people living in the African continent.

66. The President of the Human Rights Council, Ambassador Doru Romulus Costea, paid a visit to the Working Group and mentioned his satisfaction at having been invited to address the Working Group for the first time. He stressed that his presence was meant to emphasize that the Council considered that human rights issues were not confined to the Council. He believed that the Council had a duty to remain seized of the meetings of other bodies to ensure that the work of the Council was enriched by their outcomes. He highlighted the importance of the issues being addressed by the Working Group.

67. The President further expressed his pleasure at the fact that several non-governmental organizations had been able to participate in that important session. Furthermore, he mentioned the need to share information that would enable proper coordination of the various follow-up mechanisms to Durban. In so doing, he recognized the efforts of the Secretariat.

68. The President of the Council also stressed the complicated process under way related to the review of mandates. He believed that much would be learned from the exercise.

69. The President of the Council concluded by reminding the room that that year was the sixtieth anniversary of the Universal Declaration of Human Rights and that all had to prove that United Nations mechanisms work better and more efficiently.

70. There was general acknowledgement and thanks for the presence of the President of the Council at the Working Group's session. Several panellists conveyed to the President their view that the Working Group had become an important reference point for people of Latin America and it was of utmost relevance to them as they looked to the Durban review process. With a host of emerging challenges for people of African descent, it was mentioned that it was important that that forum received more support for the participation of non-governmental organizations so that the voice of the victims was soundly represented in discussions.

71. Other comments reinforced the mandate of the Working Group; other panellists thanked the President of the Council and also stressed that Durban represented, for millions of people, one of the most important achievements by the United Nations in recent times, as it tackled such issues as slavery, colonialism and the problems faced by people of African descent around the world. The Durban Programme of Action had made concrete advancements and the process had established key mechanisms such as the Working Group of Experts on People of African Descent, the single most important mechanism, which had to be strengthened to enhance its work.

72. The Chairperson-Rapporteur of the Working Group, Ambassador Kasanda, expressed his satisfaction that the Council intended to review the Working Group's mandate.

#### **(b) Millennium Development Goals**

73. Marcelo Paixao, panellist for the Working Group on People of African Descent, made his presentation on the Brazilian experience in fighting racism and promoting racial equality. He stated that Brazilian public policy regarding racial equality faced problems of implementation because of a lack of support by important sectors of civil society, particularly among the white middle class, and some difficulties of comprehension present in many sectors of State bureaucracy.

74. He declared that there still existed an old racial ideology with regard to social relations, which valued friendship among peoples of every racial origin, but froze the social position of individuals with different physical traits in terms of facial features and skin colour. Racial prejudice and discrimination in Brazil was not manifested in the same manner as it did in North America or South Africa. He underlined the fact that, instead of being open, violence manifested itself subtly, embedded in a normalization of racial asymmetry, which manifested in differences in opportunities and exposure to adverse social conditions. The most important actions of the Brazilian State in the field of racial equality were in the realm of education. At the primary and secondary education levels, there was a slight reduction in racial inequality, with an increase in the number of children attending classes.

75. A comment was made that the Millennium Development Goals had to be achieved for people of African descent as well as for Africans. This comment stressed that the African Union had acknowledged the worrying situation of people of African descent and stressed that it was time that people of African descent were recognized as having equal status and that that, in turn, would reflect positively on the status of Africans.

76. Mention was also made of post-Durban progress worldwide, with examples of several European Union countries actively working towards achieving the Millennium Goals for people of African descent. Furthermore, it was stated that resources needed to be made available to organizations of people of African descent as there was a need for more participation by victims of racism in the Durban review process.

77. The importance of the availability of disaggregated data to the achievement of the Millennium Development Goals was also mentioned, with a focus on data and goals specific to peoples of African descent; for example, the rate of mortality of people of African descent in comparison with that of other racial groups. Different parameters could be set to measure the racial-specific problems of people of African descent.

#### **Item 5 (a) (viii): Empowerment of women of African descent**

78. Ambassador Kasanda, the Chairperson-Rapporteur, made introductory remarks on the empowerment of women of African descent, stressing the fact that women of African descent faced additional burdens and difficulties in their lives. They suffered from racism but also from gender discrimination. For an Afro-descendant woman, disempowerment meant systematic discrimination at every level of her life. At birth, parents often preferred boys to girls, which led to the abortion of girl children. More girls dropped out of school than boys. As adolescents, girls suffered abuse, exploitation and violence, or they suffered genital mutilation because of beliefs and customs entrenched in society. They also faced early marriage and premature parenthood.

79. He further stressed that education freed people from ignorance. That was why investment had to be made in the education of women. Education enhanced the range of life choices available to women. Under international law, for example, the Convention on the Elimination of All Forms of Discrimination against Women, States parties had an obligation to ensure that women realized their human right to participate in the political arena and their right to be fully involved in decision-making on the basis of equality with men. Gender equality had to be made a reality.

80. Ms. Maria Ines Barbosa, panellist for the Working Group on People of African Descent, delivered her presentation on the empowerment of women of African descent in the region of Latin America and in the Caribbean. She related their empowerment to the trajectory of the movement of black women within the wider feminist and black movements. The fight against racism and sexism was part of the process of resistance by women of African descent. She mentioned that combating racism against women required governmental programmes and actions that addressed the disparities caused by the intersection of sexism and racism. She mentioned that, from Brazilian reports on race and sexism, it could be determined that race and colour did make a difference. Studies showed that gender and race/colour inequalities were also reproduced in the learning process and had an impact on the rates of age-grade disparity of students in primary and secondary education.

**Item 5 (a) (ix): Racial profiling**

81. Ambassador Kasanda, in presenting his report on racial profiling, began by stressing that racial profiling was a gross violation of many human rights norms. He described it as discrimination based on stereotypes of targeted individuals, religious groups and minority communities. He highlighted the several contexts in which racial profiling was evident, and further stressed its negative effects, such as those on the individual being stereotyped and the impact it had on children and their perception of the community. The practice also led to a community's mistrust of the police and a diminished sense of citizenship by affected communities.

82. Ms. Margaret Parsons, panellist for the Working Group on People of African Descent, presented her report on racial profiling. She considered the definition of racial profiling, as reflected in international instruments and as used by national bodies. She reviewed the deliberations of the Working Group in previous sessions, when it had discussed racial profiling, and noted that, across the globe, there was evidence of shared trends that reflected racial disparities and harsh or disparate treatment of African descendants in police stops, searches and arrests, law enforcement investigation techniques, prosecutorial discretion, and sentencing. Institutional racism in law enforcement, the criminal justice system and penal administration was a civil rights crisis facing African descendants worldwide. Racial inequality in that area was manifested indiscriminately, affecting people of African descent in similar ways irrespective of country of origin, political structure, social status or economic advantage.

83. The presentations on racial profiling elicited several comments, with observations that racial profiling was a very important issue to be addressed by the Preparatory Committee.

84. Ms. Parsons was asked if she agreed with the definition given in paragraph 72 of the Durban Declaration and Programme of Action with regard to racial profiling.

85. Ms. Parsons proposed a fuller definition of racial profiling, as used by the Ontario Human Rights Commission, that incorporated banking and other social aspects where racial profiling was present and not just in reference to law enforcement.

**Item 5 (b): How best to ensure the recommendations of the Working Group are implemented**

86. The Chairperson stated that each previous session had produced several recommendations but that they had not been fully implemented. The Chairperson then opened the floor to ideas of how best to ensure the recommendations of the Working Group were properly implemented.

87. A member of a non-governmental organization offered the opinion that the problem was one of double standards and that the racism that existed in the world also existed inside the United Nations. He stressed that there was even resistance to holding a world conference on racism. He believed that the Durban Declaration and Programme of Action was a compromise that contained no clear language on the subject of reparations.

88. Reference was made to resistance to the Durban process by specific groups. The commentator thought that some sectors believed that acknowledgement and implementation of the Working Groups recommendations would only lead to the creation of political and economic upheaval, which certain countries wanted to avoid.

89. As well as the Working Group's, strong support was given to the recommendations of the Special Rapporteur, Mr. Doudou Diène. It was also stated that there was a lack of information regarding States' implementation of the recommendations of the Working Group and that such information would be of great value in the Durban Review Conference.

90. The importance of participation by civil society groups, such as non-governmental organizations, was again stressed.

91. Another issue discussed was the inability of the Working Group to conduct country visits to meet Governments and non-governmental organizations, which would give the Working Group first-hand experience of the situation on the ground.

92. Another issue mentioned was that of States having appropriate mechanisms to deal with the issue of racism. The lack of similar bodies within all States that could actively take the work of the Working Group on board was highlighted. Thus, a suggestion was made to review existing national mechanisms in order to better support the work of the Working Group.

93. Another issue raised was that of the budgetary time frames and the length of time it took to have a policy decision, such as the implementation of a decision by the Working Group, reflected in programmes.

94. There was also commentary stating that the Working Group should set out priorities and should forward the most pressing issues to States, which in turn could pass them on to the Human Rights Council. Lessons should be learned from experience in other areas, such as indigenous peoples.

95. It was highlighted that there could and should be room for strategic synergy between the bodies relevant to the Durban Declaration and Programme of Action and other United Nations bodies, using the United Nations staff college as an important resource in that endeavour.

96. Another proposal was to find prominent individuals who could act as champions to promote the work of the Working Group, not only in States with a significant number of people of African descendant, but also globally, as proposed by Professor Jabbour.

97. A short number of very sound legal and technical recommendations was another method suggested to aid in facilitating the implementation of the Working Group's recommendations.

**Item 5 (c): Discussion of the work plan adopted earlier by the Working Group**

Deleted from programme of work.

**Item 5 (d): Improvements, major challenges and new manifestations of racism and intolerance since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban 2001**

98. Dr. Georges Jabbour presented a paper on improvements, major challenges and new manifestations of racism, racial discrimination and intolerance since the World Conference against Racism. He spoke of the fact that Durban had left a tangible impact on the way people looked at racism, stressing that it was self-evident that there was now a larger body of national and international documents that dealt with racism. He also highlighted the rise of Senator Barack Obama to the status of a real presidential contender as evidence of improvement. However, he stressed that, regardless of some improvements, there was still a lot left to do. Dr. Jabbour also spoke of the new threat of religious hatred and Islamophobia, which he stressed was evident in today's world as well as in the situation of Muslim prisoners at Guantanamo Bay.

99. He stated that action still needed to be taken on the national, regional and international levels. He stressed that, in order to acquire momentum prior to the Conference, it was perhaps useful for the Office of the High Commissioner to request all States and regional organizations to submit their overdue plans of action and for the Office to disseminate them. Justice in the wider sense of equality should be the motto of the work on racism as preparations were being made for the review conference, where justice in strict judicial terms should prevail over diplomacy. Dr. Jabbour also stressed the importance of reparations and cited his own document entitled "Some personal thoughts on reparation and people of African descent" as an example of how the issue of reparations could be addressed.

100. There was wide agreement with Dr. Jabbour; several observers agreed with his suggestions regarding the raising of awareness of combating racism and reparations.

101. An observer who chose to elaborate on Dr. Jabbour's analysis of Islamophobia emphasized the importance of encouraging an historical reconciliation between Islam and the West. Concerns were raised regarding whether efforts to combat Islamophobia should be focused on the grassroots of the population or only on the elite.

102. There was also an observation that Dr. Jabbour's reference to presidential candidate Barack Obama as a sign that there was improvement in the situation of people of African descent were overoptimistic. It was stated that one should not confuse personal achievement, in Mr. Obama's case, with improvement of the masses.



### **III. RECOMMENDATIONS**

#### **Contribution of the Working Group of Experts on People of African Descent to the Preparatory Committee for the Durban Review Conference**

103. After reviewing the recommendations made by it in previous sessions, the Working Group, as part of its contribution to the Preparatory Committee for the Durban Review Conference, made the recommendations set out below.

#### **National plans of action**

104. The Working Group calls upon those States that have not yet elaborated national plans of action to combat racism to do so, preferably before the Durban Review Conference. States that have elaborated national plans of action are called upon to implement them fully and to report upon such implementation at the Durban Review Conference.

#### **Administration of justice**

105. The Working Group urges States to identify factors that have resulted in the over-representation in arrests, sentencing and incarceration of people of African descent, particularly young men, and to take immediate and appropriate measures to eliminate those factors and to adopt crime-prevention strategies and programmes that include alternatives to incarceration.

106. The Working Group recommends that States take measures to ensure that the disproportionately low levels of representation of people of African descent in the judiciary and other areas of the justice system be addressed.

#### **Collection of data**

107. The Working Group recommends that States implement mechanisms whereby disaggregated information may be effectively collected on health, education, access to housing, employment, treatment in the criminal justice system and political participation and representation as regards people of African descent, and that that information be the basis for the creation and monitoring of policies and practices that address any discrimination found.

108. The Office of the United Nations High Commissioner for Human Rights should provide guidelines on the collection of disaggregated information to those States that request them.

#### **Racism and media**

109. The Working Group recommends that, in association with the International Federation of Journalists, a code of conduct be drawn up that, while taking into account such fundamental issues as the right to freedom of expression, combats racial discrimination against people of African descent by elaborating standards that must be adhered to so as to eliminate the projection and perpetuation, through the media and new

**technologies, of negative images and stereotypes of Africa and people of African descent. Such a code of conduct should also include provisions that address and combat incitement to racial hatred.**

#### **Access to education**

**110. The Working Group recommends that the 8-volume UNESCO General History of Africa series be popularized and included by States in their educational curricula.**

#### **Racism and employment**

**111. The Working Group invites the International Labour Organization to make a contribution to the Durban Review Conference on growing xenophobic trends and how to combat them, as well as on the elaboration of international standards for protection of domestic workers.**

#### **National monitoring bodies**

**112. The Working Group recommends that States and international and regional organizations establish independent bodies, where they do not already exist, to receive complaints by people of African descent of discrimination in accessing housing, education, health, employment and other fundamental rights.**

#### **Racism and health**

**113. The Working Group encourages the World Health Organization to continue its efforts to mainstream racial/ethnicity equality with ministries of health, and to strengthen its internal efforts to ensure that all its working teams and managers adopt an ethnic/racial equality perspective.**

**114. The Working Group recommends that States guarantee universal and effective access to medications, particularly those required for the prevention and treatment of HIV/AIDS, malaria and other pandemics.**

#### **Best practices for combating racism and promoting racial equality**

**115. The Working Group recommends that the Human Rights Council request OHCHR to produce a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to people of African descent, as well as combating stereotyping against this group in the media.**

#### **Racial profiling**

**116. The Working Group reiterates its call to Governments to abolish and prohibit any discrimination within their jurisdiction and to criminalize racial profiling, envisaging sanctions for those who violate the law and ensuring effective remedies for the victims.**

### **Racial equality index**

117. **The Working Group reiterates the importance of the recommendation made by the Independent eminent experts on the follow-up to Durban to develop a racial equality index as a tool to better assess discrimination that affects people of African descent and other vulnerable groups and to guide the adoption of policies to remedy their situation.**

### **Reparations**

118. **With reference to paragraphs 164, 165 and 166 of the Durban Programme of Action, the Working Group strongly recommends that the issue of reparations for people of African descent be considered at the Durban Review Conference.**

### **United Nations**

119. **The Working Group recommends that the United Nations create a United Nations fellowship programme for people of African descent.**

### **Working Group**

120. **The Working Group reiterates its recommendation that a fund be created to facilitate the participation of civil society organizations that represent people of African descent and non-governmental organizations in all meetings and activities of the Working Group.**

## **Annex I**

### **AGENDA**

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Discussion on contribution to the Preparatory Committee for the Durban Review Conference:
  - (a) Analysis of conclusions and recommendations made by the Working Group at its previous sessions:
    - (i) Administration of justice
    - (ii) The media
    - (iii) Access to education
    - (iv) Racism and employment
    - (v) Racism and health
    - (vi) Racism and housing
    - (vii) Participation of people of African descent in political, economic, social and cultural aspects of society and in the advancement and economic development of their countries
      - a. General
      - b. Millennium Development Goals
    - (viii) Empowerment of women of African descent
    - (ix) Racial profiling;
  - (b) How best to ensure the recommendations of the Working Group are implemented;
  - (c) Discussion of the work plan adopted earlier by the Working Group;
  - (d) Improvements, major challenges and new manifestations of racism and intolerance since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001.
6. Adoption of the report.

## **Annex II**

### **LIST OF PARTICIPANTS**

#### **A. Members**

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

#### **B. States Members of the United Nations represented by observers**

Algeria, Argentina, Armenia, Barbados, Belgium, Benin, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Germany, Guatemala, Haiti, Israel, Japan, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mexico, Nigeria, Pakistan, Republic of Korea, Senegal, Slovenia, South Africa, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uruguay, Venezuela (Bolivian Republic of).

#### **C. Non-member States represented by observers**

Holy See.

#### **D. Intergovernmental organizations**

African Union.

#### **E. United Nations**

#### **F. Non-governmental organizations in consultative status with the Economic and Social Council**

World Citizens, African Commission of health and human rights promoters, Mouvement contre le racisme et pour l'amitié entre les peuples, International Association against torture.

#### **G. Non-governmental organizations not in consultative status with the Economic and Social Council**

Espacio Afroamericano, Youth Against Racism.

#### **H. Panellists and presenters**

Ms. Alma Jenkins, Mr. Salih Booker, Mr. Marcelo Paixao, Ms Margaret Parsons,  
Ms. Maria Ines Barbosa, Mr. Patrick Taran, Ms. Cristina Torres.

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