

## People of African Descent

### Who are people of African descent?

People of African descent live in many countries of the world, either dispersed among the local population or in communities. The largest concentration can be found in Latin America and the Caribbean where estimates reach 150 million. Whether descendants of those Africans that were displaced to the Americas during the transatlantic slave trade many generations back, or more recent migrants who have journeyed to the Americas, Europe, Asia and within Africa itself, people of African descent throughout the world make up some of the most marginalised groups. They are a specific victim group who continue to suffer discrimination as the historic legacy of the transatlantic slave trade. Even Afro-descendants who are not directly descended from slaves face the racism and discrimination that still persists today, generations after the slave trade ended.

In 2001 the Durban Declaration and Programme of Action (DDPA), adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, acknowledged that slavery and the slave trade, were appalling tragedies in the history of humanity, because of their barbarism and also their magnitude, organized nature and their negation of the essence of the victims. It also acknowledged that slavery and the slave trade are a crime against humanity and should always have been so and that they are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance. Africans and people of African descent were victims of these acts and continue to be victims of their consequences. The Declaration also acknowledged the suffering caused to them by colonialism and regretted that the effects and persistence of these practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today.

### Key contemporary human rights issues

The contemporary situation of people of African descent must be understood in the context of both the legacy of slavery and continued discrimination, which perpetuates situations of inequality and marginalisation. Although slavery is now *de jure* illegal in all countries, *de facto* contemporary practices akin to slavery continue today in many places throughout the world.

People of African descent comprise a heterogeneous group with diverse histories, experiences and identities. The circumstances in which they live and the problems they face differ. What unites them, however, is that they have long been denied the full realisation of their human rights and it is possible to highlight a series of common issues that must be addressed.

- Structural and institutional racial discrimination,

- xenophobia and related intolerance;
- Inequality, marginalization and stigmatization;
- Low levels of participation and underrepresentation in political and institutional decision-making processes;
- Lack of adequate representation in the administration of justice;
- Barriers to and inequality in the enjoyment of key human rights such as access to quality education, health services and housing, which results in the intergenerational transmission of poverty;
- Inequality in access to labour markets;
- Disproportionate presence in prison populations;
- Racial profiling;
- Limited social recognition and valuing of people of African descent's ethnic and cultural diversity and contribution to society;
- Intolerance against religions of African origin.

### What should States do?

Through the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, other relevant international and regional human rights instruments, the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference, states should among others:

- Ensure the full enjoyment by people of African descent of all human rights and fundamental freedoms;
- Adopt and strengthen national legal framework and policies on the rights of people of African descent;
- Promote full and effective equality for people of African descent particularly through special measures/affirmative action policies;
- Ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice;
- Design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling";
- Take measures to realize the right to development for people of African descent;
- Give effect to right to free primary education and equal access to all levels of quality education;
- Adopt or increase the effectiveness of legislation that prohibits all discriminatory practice in employment and the labour market;
- Guarantee their meaningful participation and inclusion in development processes; in social, economic, cultural, political and civil life; and in decisions that affect their lives;
- Increase their visibility by ensuring the collection of disaggregated data and research, in accordance with provisions on human rights and fundamental freedoms such as privacy guarantees;

- Sensitize the wider society about their human rights, culture and contribution to the development of societies and their history.

### **International human rights framework for the protection of people of African descent**

All people of African descent shall enjoy all human rights and fundamental freedoms in accordance with international law and standards, in conditions of equality and without any discrimination. The prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted.

The rights of people of African descent are also protected by international human rights instruments related specifically to the prohibition of racial discrimination and the protection of minorities, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance. These rights have also been reaffirmed in the DDPA and in the Durban Review Conference Outcome Document adopted in 2009.

The States' efforts to implement these rights are monitored by conventional and extra-conventional mechanisms of the United Nations human rights protection system, including the UN Committee on the Elimination of Racial Discrimination (CERD), the Working Group of Experts on People of African Descent, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on minority issues.

At the regional level, the Inter-American Commission on Human Rights created a Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination.

### **International Decade for People of African Descent**

The General Assembly in its resolution 68/237 proclaimed the International Decade for People of African descent (2015-2024), with the theme "People of African Descent: recognition, justice and development." The Decade is a timely and unique opportunity to underline the important contribution made by people of African descent to our societies and to propose concrete measures to promote equality and to combat discrimination of any kind.

The General Assembly adopted a Programme of Activities for the Decade which sets out the objectives for the Decade, and gives an overview of the human rights situation faced by people of African descent.

### **The Working Group of Experts on People of African Descent**

The Working Group of Experts on People of African Descent is mandated to study the problems of racial discrimination faced by people of African descent living in the African Diaspora and make proposals for its elimination. The Working Group is composed of five independent experts. In the fulfilment of its mandate, the Working Group:

- Presents annual reports to the United Nations Human Rights Council and the General Assembly;
- Prepares thematic reports on the protection of the rights of people of African descent;
- Processes cases of alleged human rights violations of people of African descent through its communications procedure;
- Undertakes country visits to review the human rights situation of people of African descent.

### **The work of OHCHR**

OHCHR supports governments, national human rights institutions, specialized equality bodies and civil society in their efforts to promote and protect the rights of people of African descent. It advises government on the formulation, adoption or revision of legislation and policies, including national action plans against racial discrimination. It also provides trainings for law enforcement officials, including measures against racial profiling. OHCHR supports the Working Group of Experts on people of African Descent and other Durban follow up mechanisms, CERD, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on minority issues. OHCHR Fellowship Programme for People of African Descent provides an opportunity to deepen understanding of the United Nations human rights system, instruments and mechanisms. OHCHR also works to combat racism faced by people of African descent in sports and undertakes other awareness raising activities, including in the field.

### **Normative standards and further reading**

- [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [General recommendation No. 34 of the Committee on the Elimination of Racial Discrimination on racial discrimination faced by people of African descent](#)
- [Documents of the Working Group of Experts on People of African Descent](#)
- [Durban Declaration and Programme of Action](#) and [Durban Review Conference Outcome Document](#)
- [Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance](#)
- [Inter-American Commission on Human Rights, report on the situation of people of African descent in the Americas, OEA/Ser.L/V/II. Doc.62, 2011](#)