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**WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN
DESCENT**

Tenth session

Item 8:

Thematic discussion on the situation of people of African descent



**Statement by Mr. Githu MUIGAI
Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance**

Geneva, 29 March 2011

Madame Chair,
Members of the Working Group,
Ladies and Gentlemen,

It is a great opportunity and a pleasure to be among you today. I am very grateful for the invitation to participate in the tenth session of the Working Group of Experts on people of African descent and to contribute to its discussions in the context of such an important year as the International Year of People of African Descent.

As this is the first time I am addressing the Working Group since I took up my mandate in 2008, allow me to congratulate you and welcome your work and contributions for the improvement of the situation of people of African descent worldwide. The expertise of each of the five members of this Working Group is of utmost importance to better understand, assess and address the problem of racial discrimination facing people of African descent in each and every region of the world.

Follow-up mechanisms to the World Conference Against Racism and the Durban Review Conference have been established, including the Working Group of Experts on people of African descent. These mechanisms complement existing UN anti-racism mechanisms such as CERD and my mandate. As stated in the Durban Review Conference Outcome Document, it is necessary to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action (DDPA) and to ensure better synergy and complementarities between these various mechanisms. It is in this context that I would like to again welcome the invitation to participate in today's session and to encourage further collaboration between our mandates.

Ladies and Gentlemen,

The situation facing people of African descent and in particular the issue of racial discrimination against them is a permanent item of consideration within the activities of my mandate.

Racism and racial discrimination against people of African descent has been addressed by my predecessor, Mr. Doudou Diène, during his missions to Brazil, Colombia, Dominican Republic, Estonia, Guatemala, Honduras, Italy, Latvia, Lithuania, Nicaragua, Russian Federation and Switzerland. In the fulfillment of my mandate, I have addressed this issue including in my reports to the Human Rights Council and the General Assembly, as well as during my country visits.

In addition, I have considered a range of issues that are of a particular relevance in regard to racial discrimination against people of African descent. Such issues include inter alia structural racial discrimination¹, racism and poverty (A/HRC/11/36), the need for ethnically disaggregated data and statistics², the importance of the Millennium Development Goals (MDG)³, as well as the consequences of historical imbalances on the full enjoyment of human rights of certain vulnerable groups (A/HRC/11/36).

This year, in the framework of the celebration of the International Year for People of African Descent, I made a written contribution to the CERD annual thematic discussion and on the occasion of the International Day for the Elimination of Racial Discrimination, 21 March, we joined our voices to remind the world not only about the struggle of people of African descent, but also their contribution to society. I shall also participate in the General Assembly high-level thematic debate scheduled in September 2011.

Ladies and Gentlemen,

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration of 2001 recognizes in its paragraph 34 that people of African descent have for centuries been victims of racism, racial discrimination and

¹ 8th session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action Racial, "*Thematic discussion on structural discrimination: definitions, approaches and trends*", 18 October 2010.

² OHCHR Regional Seminar for the Americas, "*Statistical data as a method to promote and monitor racial equality and nondiscrimination: benefits and risks*" Brazil, Rio de Janeiro, 3-5 May 2010.

³ Joint Press release: "*Without human rights, Millennium Goals will fail*," say UN Human Rights Experts, Geneva, 17 September 2010, available at: <http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>

enslavement and of the denial by history of many of their rights. It further asserts that people of African descent should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind. Despite century-long fights against racism and racial discrimination, people of African descent continue to be marginalized and suffer as victims of historical imbalances and injustices especially in the areas of education, health, employment and housing.

In many countries, their living conditions raises serious concern as demonstrated with the disasters engendered by the Hurricane Katrina in the United States and the earthquake in Haiti for instance. Indeed these events have revealed in a flagrant manner the reality of the everyday life of people of African descent, including the poverty and socio-economic marginalization they face, the lack of adequate and descent housing as well as segregation in this area. Moreover, the continuing discrimination they experience in their access to a quality and higher education hampers considerably their chances to find a qualified job. Their unemployment rates remain high in many countries and a number of them are often in a situation of vulnerability in the informal work sector. In this connection, I would like to refer to my mission to the United Arab Emirates where it was reported that most of the domestic workers usually come from certain African States⁴.

Ladies and Gentlemen,

The situation of women and girls of African descent who often suffer multiple forms of discrimination on the basis of their descent and gender must not be forgotten. They are regularly more marginalized and discriminated in comparison to men in key areas such as education, public and political life, health, and access to labour markets. They remain particularly vulnerable to exploitation, trafficking, and racial abuse and violence.

⁴ A/HRC/14/43/Add.3, para. 31.

Important challenges also remain as to racial discrimination against people of African descent in the administration of justice and their unequal treatment before the law, especially in the criminal justice system. They often face institutional racism in the area of penal administration manifested for instance by higher rates of incarceration in comparison with other ethnic groups, or more severe sentences. Racial profiling by the police is also a serious problem affecting them, including in the context of the implementation of policies and legal measures on anti-terrorism, immigration or deportation. In this connection, I would like to refer to my mission to Germany where I highlighted such a concern and noted the widespread perception that in the aftermath of 11 September 2001, the police engaged in racial profiling against certain groups, including people of African descent⁵.

The participation of people of African descent in political, economic, social and cultural aspects of society as well as in the advancement and economic development of their countries is indispensable for an inclusive society. In this regard, allow me to again refer to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration of 2001 which in its paragraph 32 affirms the importance and necessity of ensuring their full integration into social, economic and political life with a view to facilitating their full participation at all levels in the decision-making process. Furthermore, I would like to emphasize that racial discrimination against people of African descent is a major obstacle to achieving development. In this regard, I would recall, as I affirmed through a joint press release in 2010,⁶ that meaningful participation and empowerment, equality and non-discrimination are central features of the human rights-based approach to development. Progress in the achievement of the Millennium Development Goals should therefore be encouraged.

Ladies and Gentlemen,

⁵ A/HRC/14/43/Add.2, para. 31.

⁶ Joint Press release: "Without human rights, Millennium Goals will fail" 17 September 2010, available at: <http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>

Let us concentrate our efforts in encouraging States to develop a comprehensive approach when designing measures to eliminate racial discrimination against people of African descent. Such an approach should include legal, administrative and institutional initiatives but also others measures, such as: the enactment of special measures/affirmative action to redress historical wrongs; the collection of ethnically disaggregated data and statistics to assess the impact of racial discrimination against people of African descent and design targeted policies and measures that will remedy inequalities; human rights training of law enforcement officials; and education which is undoubtedly one of the most effective instrument to dismantle pervasive social constructions based on racial differentiation and to create a society based on pluralism, tolerance and respect, as well as to instil a tolerant and respectful mindset from an early age (A/64/295). In this regard, I would like to emphasize the importance of history classes in teaching the history of people of African descent, their culture and positive contributions, as well as the grave human rights violations they have suffered in the past, including the transatlantic slave trade.

Ladies and Gentlemen,

To conclude, allow me to emphasize that further cooperation and discussion between the different UN human rights mechanisms would help better identify issues of concern faced by people of African descent in various parts of the world and exchange best practices we encountered in the realization of our respective mandates in this regard. These best practices could cover national, regional and international initiatives, and laws and policies aimed at protecting the rights of people of African descent. National and regional jurisprudence may also be presented and discussed within this context.

I thank you for your attention and look forward to our discussion today and in the future.
