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**COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION**

**Day of Thematic Discussion Racial Discrimination against People of
African Descent**



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

**“People of African descent and the international human rights
mechanisms: challenges & accomplishments”**

Geneva, 7 March 2011

[Madame High Commissioner],
Members of the Committee,
Ladies and Gentlemen,

It is a great pleasure to be among you today. I am very grateful for the invitation to participate in this annual thematic discussion in the context of the International Year of People of African Descent. I welcome the opportunity to share ideas, exchange experiences, and interact with the knowledgeable members of this Committee for the first time since I took up my mandate in 2008.

Before beginning to address this morning's topic allow me to acknowledge the presence of fellow mandate holders Ms. Gay McDougall, Independent Expert on minority issues and Ms. Mirjana Najcevska, Chair of the Working Group of Experts on People of African Descent. Our presence here demonstrates that we are all interested in fostering cooperation and make our work mutually reinforcing to better protect human rights and fight against racism and racial discrimination. Let this be the first of many more exchanges, opportunities of cooperation and joint initiatives of special procedures, treaty bodies and other human rights mechanisms.

Dear colleagues,

In the last decades, many initiatives have been undertaken to strengthen the struggle against racism, racial discrimination, xenophobia and related intolerance. The World Conference Against Racism and more recently the

Durban Review Conference are landmark events in this regard and have significantly contributed to reinforcing the international mobilisation against these scourges.

After these conferences, several follow-up mechanisms have been established. They complement existing UN anti-racism mechanisms such as your Committee and my mandate created in 1993. 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, including by providing opportunity for joint discussions and meetings.

In this regard, the current dialogue is a concrete way to ensure better synergies and complementarities between our respective mandates. Regarding in particular cooperation of my mandate with the Committee, I would like to say that I often rely on its work for the preparation of my thematic reports and country visits. The current discussion on *People of African descent and the international human rights mechanisms: challenges & accomplishments*, is also another dimension of this cooperation with the Committee that I welcome and encourage.

Ladies and Gentlemen,

The issue of racial discrimination against people of African descent has already been addressed by the former Special Rapporteur on racism, Mr. Doudou Diène, including while on mission in countries such as Colombia,

Nicaragua, Honduras, Guatemala, Brazil, Switzerland, Russian Federation, Italy, Estonia, Latvia, Lithuania and Dominican Republic.

In the fulfillment of my mandate I have also addressed this issue including in my reports to the Human Rights Council, both thematic and country visits reports. I have also 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).

In the framework of the celebration of the 2011 International Year for People of African Descent, I will participate in the thematic discussion on the "*Overview of the current situation facing People of African descent*" to be held on 29 March 2011 during the 10th session of the Working Group of People of African Descent. Other activities in this context will include *inter alia* the joint statement on the occasion of the International Day for the Elimination of Racial Discrimination on 21st March which this year will be devoted to people of African descent, and the General Assembly high-level thematic debate to close the International Year scheduled in September 2011.

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>

In its resolution, the General Assembly called to strengthen national action, and regional and international cooperation for the full and equal participation and integration of people of African descent in all political, economic, social and cultural aspects of society. Progress and positive changes have been made but important challenges remain and we shall echo the General Assembly's call to redouble efforts in this regard. Furthermore, this year should also be the occasion, through the particular attention paid to people of African descent, to remind the situation of all the victims of racism and racial discrimination worldwide.

The Durban Declaration (para. 34) recognizes that people of African descent have for centuries been victims of racism, racial discrimination and 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. However, people of African descent continue to be discriminated as a result of these historical imbalances and injustices especially in the areas of education, health, employment and housing.

Indeed they face greater difficulties in their access to health care services. Furthermore, in many countries, their living conditions raised 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 hamper 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 also from certain African countries⁴.

Ladies and Gentlemen,

We shall not forget the situation of women and girls of African descent who often suffer multiple forms of discrimination on the basis of their descent and gender. Indeed, they are often more marginalized and discriminated in comparison to men in key areas such as education, public and political life, health or access to labor market, and they remain particularly vulnerable to exploitation, trafficking, as well as racial abuse and violence.

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 penal administration which is 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 that 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 have highlighted such a concern and noted the widespread perception that in the

⁴ A/HRC/14/43/Add.3, para. 31.

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 refer to the Durban Declaration (para. 32) which 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 stated in 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 Millenium Development Goals should therefore be encouraged.

Ladies and Gentlemen,

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 collect of ethnically disaggregated data and statistics to assess the impact of racial discrimination against people of African

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>

descent and design targeted policies and measures that will remedy inequalities; human rights trainings of law enforcement officials; as well as 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 suffer from in the past, including transatlantic slave trade.

Ladies and Gentlemen,

To conclude, allow me to emphasize that further cooperation and discussions 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, 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.
