



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-ninth session

8 August–2 September 2011

### General recommendation No. 34 adopted by the Committee

#### Racial discrimination against people of African descent

The Committee on the Elimination of Racial Discrimination

*Recalls* the Charter of the United Nations and the Universal Declaration of Human Rights, according to which all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms enshrined therein without distinction of any kind, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

*Recalls also* that people of African descent received greater recognition and visibility at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, South Africa, its preparatory conferences, particularly the + 5 Conference of Santiago, Chile, in 2000, reflected in the respective declarations and plans of action,

*Reaffirms* its general recommendations Nos. 28 (2002) on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and 33 (2009) on follow-up to the Durban Review Conference, in which the Committee expressed its commitment to press for the implementation of the Durban Declaration and Programme of Action,

*Notes* also the condemnation of discrimination against people of African descent as expressed in the Durban Declaration and Programme of Action,

*Observes* that it has become evident from the examination of the reports of States parties to the Convention that people of African descent continue to experience racism and racial discrimination,

*Having held* a day-long thematic discussion on racial discrimination against people of African descent in the seventy-eighth session (February–March 2011) on the occasion of the International Year for People of African Descent, in which the Committee heard and exchanged ideas with States parties, United Nations organs and specialized agencies, special rapporteurs and their representatives, as well as non-governmental organizations, and decided to clarify some aspects of discrimination against such people and further support the struggle to overcome this discrimination worldwide,

*Formulates* the following recommendations addressed to States parties:

## **I. Description**

1. For the purposes of this general recommendation, people of African descent are those referred to as such by the Durban Declaration and Programme of Action and who identify themselves as people of African descent.
2. The Committee is aware that millions of people of African descent are living in societies in which racial discrimination places them in the lowest positions in social hierarchies.

## **II. Rights**

3. People of African descent shall enjoy all human rights and fundamental freedoms in accordance with international standards, in conditions of equality and without any discrimination.
4. People of African descent live in many countries of the world, either dispersed among the local population or in communities, where they are entitled to exercise, without discrimination, individually or in community with other members of their group, as appropriate, the following specific rights:
  - (a) The right to property and to the use, conservation and protection of lands traditionally occupied by them and to natural resources in cases where their ways of life and culture are linked to their utilization of lands and resources;
  - (b) The right to their cultural identity, to keep, maintain and foster their mode of life and forms of organization, culture, languages and religious expressions;
  - (c) The right to the protection of their traditional knowledge and their cultural and artistic heritage;
  - (d) The right to prior consultation with respect to decisions which may affect their rights, in accordance with international standards.
5. The Committee understands that racism and racial discrimination against people of African descent are expressed in many forms, notably structural and cultural.
6. Racism and structural discrimination against people of African descent, rooted in the infamous regime of slavery, are evident in the situations of inequality affecting them and reflected, *inter alia*, in the following domains: their grouping, together with indigenous peoples, among the poorest of the poor; their low rate of participation and representation in political and institutional decision-making processes; additional difficulties they face in access to and completion and quality of education, which results in the transmission of poverty from generation to generation; inequality in access to the labour market; limited social recognition and valuation of their ethnic and cultural diversity; and a disproportionate presence in prison populations.
7. The Committee observes that overcoming the structural discrimination that affects people of African descent calls for the urgent adoption of special measures (affirmative action), as established in the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1, para. 4, and 2, para. 2). The need for special measures has been the subject of reiterated observations and recommendations made to the State parties under the Convention, summarized in general recommendation No. 32 (2009) on the

meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

8. For the exercise of the rights of people of African descent, the Committee recommends that States parties adopt the following measures:

### **III. Measures of a general nature**

9. Take steps to identify communities of people of African descent living in their territories, especially through the collection of disaggregated data on the population, bearing in mind the Committee's general recommendations, particularly general recommendations Nos. 4 (1973) on demographic composition of the population (art. 9); 8 (1990) on identification with a particular racial or ethnic group (art. 1, paras. 1 and 4), and 24 (1999) on reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples (art. 1).

10. Review and enact or amend legislation, as appropriate, in order to eliminate, in line with the Convention, all forms of racial discrimination against people of African descent.

11. Review, adopt and implement national strategies and programmes with a view to improving the situation of people of African descent and protecting them against discrimination by State agencies and public officials, as well as by any persons, group or organization.

12. Fully implement legislation and other measures already in place to ensure that people of African descent are not discriminated against.

13. Encourage and develop appropriate modalities of communication and dialogue between communities of people of African descent and/or their representatives and the relevant authorities in the State.

14. Take the necessary measures, in cooperation with civil society and members of affected communities, to educate the population as a whole in a spirit of non-discrimination, respect for others and tolerance, especially concerning people of African descent.

15. Strengthen existing institutions or create specialized institutions to promote respect for the equal human rights of people of African descent.

16. Conduct periodic surveys, in line with paragraph 1 above, on the reality of discrimination against people of African descent and provide disaggregated data in their reports to the Committee on, inter alia, the geographical distribution and the economic and social conditions of people of African descent, including a gender perspective.

17. Effectively acknowledge in their policies and actions the negative effects of the wrongs occasioned on people of African descent in the past, chief among which are colonialism and the transatlantic slave trade, the effects of which continue to disadvantage people of African descent today.

### **IV. The place and role of special measures**

18. Adopt and implement special measures meant to eliminate all forms of racial discrimination against people of African descent, taking into account the Committee's general recommendation No. 32 (2009).

19. Formulate and put in place comprehensive national strategies with the participation of people of African descent, including special measures in accordance with articles 1 and 2

of the Convention, in order to eliminate discrimination against people of African descent and ensure their full enjoyment of all human rights and fundamental freedoms.

20. Educate and raise the awareness of the public on the importance of special measures (affirmative action programmes) to address the situation of victims of racial discrimination, especially discrimination as a result of historical factors.

21. Develop and implement special measures aimed at promoting the employment of people of African descent in both the public and private sectors.

## **V. Gender-related dimensions of racial discrimination**

22. Recognizing that some forms of racial discrimination have a unique and specific impact on women, design and implement measures aimed at eliminating racial discrimination, paying due regard to the Committee's general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination.

23. Take into account, in all programmes and projects planned and implemented and all measures adopted, the situation of women of African descent, who are often victims of multiple discrimination.

24. Include in all reports to the Committee information on the measures taken to implement the Convention that specifically address racial discrimination against women of African descent.

## **VI. Racial discrimination against children**

25. Recognizing the particular vulnerability of children of African descent, which may lead to the transmission of poverty from generation to generation, and the inequality affecting people of African descent, adopt special measures to ensure equality in the exercise of their rights, in particular corresponding to the areas that most affect the lives of children.

26. Undertake initiatives specifically aimed at protecting the special rights of the girl child and the rights of boys in vulnerable situations.

## **VII. Protection against hate speech and racial violence**

27. Take measures to prevent any dissemination of ideas of racial superiority and inferiority or ideas which attempt to justify violence, hatred or discrimination against people of African descent.

28. Also ensure the protection of the security and integrity of people of African descent without any discrimination by adopting measures for preventing racially motivated acts of violence against them; ensure prompt action by the police, prosecutors and the judiciary for investigating and punishing such acts; and ensure that perpetrators, be they public officials or other persons, do not enjoy impunity.

29. Take strict measures against any incitement to discrimination or violence against people of African descent including through the Internet and related facilities of similar nature.

30. Take measures to raise awareness among media professionals of the nature and incidence of discrimination against people of African descent, including the media's responsibility not to perpetuate prejudices.

31. Take resolute action to counter any tendency to target, stigmatize, stereotype or profile people of African descent on the basis of race, by law enforcement officials, politicians and educators.

32. Develop educational and media campaigns to educate the public about people of African descent, their history and their culture, and the importance of building an inclusive society, while respecting the human rights and identity of all people of African descent.

33. Encourage the development and implementation of methods of self-monitoring by the media through codes of conduct for media organizations in order to eliminate the use of racially discriminatory or biased language.

## **VIII. Administration of justice**

34. In assessing the impact of a country's system of administration of justice, take into consideration its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and pay particular attention to the measures below where they pertain to people of African descent.

35. Take all the necessary steps to secure equal access to the justice system for all people of African descent including by providing legal aid, facilitating individual or group claims, and encouraging non-governmental organizations to defend their rights.

36. Introduce into criminal law the provision that committing an offence with racist motivation or aim constitutes an aggravating circumstance allowing for a more severe punishment.

37. Ensure the prosecution of all persons who commit racially motivated crimes against people of African descent and guarantee the provision of adequate compensation for victims of such crimes.

38. Also ensure that measures taken in the fight against crimes, including terrorism, do not discriminate in purpose or effect on the grounds of race and colour.

39. Take measures to prevent the use of illegal force, torture, inhuman or degrading treatment or discrimination by the police or other law enforcement agencies and officials against people of African descent, especially in connection with arrest and detention, and ensure that people of African descent are not victims of practices of racial or ethnic profiling.

40. Encourage the recruitment of people of African descent into the police and as other law enforcement officials.

41. Organize training programmes for public officials and law enforcement agencies with a view to preventing injustices based on prejudice against people of African descent.

## **IX. Civil and political rights**

42. Ensure that authorities at all levels in the State respect the right of members of communities of people of African descent to participate in decisions that affect them.

43. Take special and concrete measures to guarantee people of African descent the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage and to have due representation in all branches of government.

44. Promote awareness among members of the communities of people of African descent of the importance of their active participation in public and political life and eliminate obstacles to such participation.

45. Take all necessary steps, including special measures, to secure equal opportunities for participation of people of African descent in all central and local government bodies.

46. Organize training programmes to improve the political policymaking and public administration skills of public officials and political representatives who belong to communities of people of African descent.

## **X. Access to citizenship**

47. Ensure that legislation regarding citizenship and naturalization does not discriminate against people of African descent and pay sufficient attention to possible barriers to naturalization that may exist for long-term or permanent residents of African descent.

48. Recognize that deprivation of citizenship on the basis of race or descent is a breach of States parties' obligation to ensure non-discriminatory enjoyment of the right to nationality.

49. Take into consideration that, in some cases, denial of citizenship for long-term or permanent residents could result in the creation of disadvantage for the people affected in terms of access to employment and social benefits, in violation of the Convention's anti-discrimination principles.

## **XI. Economic, social and cultural rights**

50. Take steps to remove all obstacles that prevent the enjoyment of economic, social and cultural rights by people of African descent especially in the areas of education, housing, employment and health.

51. Take measures to eradicate poverty among communities of people of African descent within particular States parties' territories and combat the social exclusion or marginalization often experienced by people of African descent.

52. Design, adopt and implement plans and programmes of economic and social development on an equal and non-discriminatory basis.

53. Take measures to eliminate discrimination against people of African descent in relation to working conditions and work requirements including employment rules and practices that may have discriminatory purposes or effects.

54. Work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects which they support take into account the economic and social situation of people of African descent.

55. Ensure equal access to health care and social security services for people of African descent.

56. Involve people of African descent in designing and implementing health-based programmes and projects.

57. Design and implement programmes aimed at creating opportunities for the general empowerment of people of African descent.

58. Adopt or make more effective legislation prohibiting discrimination in employment and all discriminatory practices in the labour market that affect people of African descent and protect them against all such practices.

59. Take special measures to promote the employment of people of African descent in the public administration as well as in private companies.

60. Develop and implement policies and projects aimed at avoiding the segregation of people of African descent in housing, and involve communities of people of African descent as partners in housing project construction, rehabilitation and maintenance.

## **XII. Measures in the field of education**

61. Review all the language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning people of African descent and replace it with images, references, names and opinions which convey the message of the inherent dignity and equality of all human beings.

62. Ensure that public and private education systems do not discriminate against or exclude children based on race or descent.

63. Take measures to reduce the school dropout rate for children of African descent.

64. Consider adopting special measures aimed at promoting the education of all students of African descent, guarantee equitable access to higher education for people of African descent and facilitate professional educational careers.

65. Act with determination to eliminate any discrimination against students of African descent.

66. Include in textbooks, at all appropriate levels, chapters about the history and cultures of peoples of African descent and preserve this knowledge in museums and other forums for future generations, encourage and support the publication and distribution of books and other print materials, as well as the broadcasting of television and radio programmes about their history and cultures.

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