



- OBSERVACIÓN Y ACCIÓN PARA LA INCLUSIÓN -

Towards an Agenda (Decalogue?), including an International Declaration on the Rights of people of African Descent

Preliminary document

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Summary

The purpose of this document is to provide inputs with a view to the objectives arising from the mandate of the Permanent Forum on People of African Descent, especially " *the possibility of drawing up a United Nations declaration on the promotion, protection and full respect of human rights of Afro-descendants.*" ([A/RES/75/314](#), para. 1c).

It is worth clarifying that, after the previous mandate, the United Nations General Assembly adopted Resolution 76/226 ([A/RES/76/226](#)) December 2021, which gives the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Program of Action the mandate to prepare a draft of the Declaration as mentioned above, with which it expresses its renewed interest in the subject and centralizes the process in a body with competence in matters of negotiation at the State level. Specifically, in paragraphs 10 and 11, the General Assembly:

10. Requests the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to devote at least half of its annual session to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent.

11. Invites the Permanent Forum of People of African Descent and the Working Group of Experts on People of African Descent, in accordance with their respective mandates, to contribute to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent.

Under this mandate and after consulting the Presidents of the Regional Groups, the Ambassador of Rwanda to Switzerland, Ms. Marie Chantal Rwakazina, who chairs said Group, decided that, at the next session, which will take place in Geneva, Switzerland, from October 10 to 21, 2022, a Draft Declaration will be discussed. In that perspective, she solicited contributions from the Permanent Forum on People of African Descent, the Working Group of Independent Experts on People of African Descent, civil society, and other stakeholders.

Among the most relevant precedents, it should be noted that the initiative for a Declaration came from the Committee for the Elimination of Racial Discrimination, CERD, which, in 2012, on the occasion of its contributions to the Program of Activities for the International Decade for People of African Descent, proposed to the General Assembly to consider the preparation of the aforementioned Declaration ([A/67/18/2012](#)).

The initiative has its roots in the [International Declaration on the Rights of the Black Peoples of the World](#), led by Marcus Garvey more than a century ago. The International Declaration, which is projected at the request of the United Nations, has the potential to deepen, develop and summarize the wide range of rights of Afro-descendants, both as collective subjects and as citizens. Many of such rights are addressed in several of the CERD's General Recommendations, particularly:

[General Recommendation No. XXXI on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System](#); [General Recommendation The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination](#); [General Recommendation No. 34 on Racism and Racial Discrimination against people of African descent](#), and [General Recommendation No. 36 on preventing and combating racial profiling by law enforcement officials](#), which also addresses algorithmic bias.

Among the topics that will occupy the attention in the debates that will take place around it, the following stand out: *Reparation* for the events of the past, racial profiling and algorithmic bias; the scope of recognition as a collective subject of international law; the recognition and access to the property of their ancestral territories; the right to decide on their traditional knowledge, associated with genetic resources, among others.

Three *central considerations derived from this document* for the work of the Permanent Forum on People of African Descent, in consultation with civil society and other stakeholders: 1 . The agenda of the Permanent Forum can be a kind of *decalogue* that accounts for the most pressing issues that interest Afro-descendants and that includes actions in the short, medium and long term. In this perspective, an *online consultation instrument is proposed*, aimed at civil society and other interested parties. 2 . The elaboration and agreement of a sort of *annotated index* of the topics that the International Declaration on the Rights of People of African Descent should contain, as a preliminary contribution, with a view to the next session of the Intergovernmental Working Group in Durban, which, as already indicated, will be the body responsible for preparing the Draft Declaration. To this end, an [online consultation instrument](#) is also proposed, which could encompass a wide range of actors, resulting in the legitimacy of the process and the results. 3 . A third aspect to consider is the methodology and work schedule to be adopted by the Permanent Forum with a view to its contributions to the Draft Declaration, including its role as an amplifier of the voices of civil society. In this regard, I draw attention to the document ["The Permanent Forum as an Accelerator Towards Recognition, Justice and Development"](#) (Pastor Murillo, Barbados, May 2022).

Explanatory note. This document should be read from Resolution A/RES/76/226, which centralizes the mandate to formulate the Draft Declaration in the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Program of Action.

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I. INTRODUCTION

1. The purpose of this document is to identify the central issues and initiatives on the international agenda for people of African descent¹ and to explore paths that contribute to channelling the efforts of different groups and individuals, who currently influence various multilateral bodies, especially the Forum on People of African Descent (hereinafter the Forum), the World Bank and the Inter-American Development Bank. The document is framed by the [International Decade for People of African Descent](#).

2. It is based on the recognition that the issue of people of African descent has a growing interest in national and international agendas. Indeed, more and more people agree on the critical importance of the issue for addressing several significant global challenges, including migration, and achieving the Sustainable Development Goals, with particular reference to the fight against poverty and managing the climate crisis. Today more people recognize that social exclusion and **systemic racism**, accused by people of African descent, conspire against liberal democracy, international peace, and security.

3. For the purposes of this document, *“systemic racism against Africans and people of African descent, including as it relates to structural and institutional racism, is understood to be the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.”*²

¹ People of African descent shall mean those persons referred to in the Durban Declaration and Program of Action and who identify themselves as such (Committee on the Elimination of Racial Discrimination, 2011, general recommendation no. 34, para. 1)

² United Nations General Assembly. (2021, June 1). *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers*. A/HRC/47/53. Para. 9.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F47%2F53&Language=E&DeviceType=Desktop&LangRequested=False>

4. For the identification of themes and initiatives, the taken reference framework is the Program of Activities of the International Decade for People of African Descent ([A/RES/69/16](#)); the Continental Plan of Action for Afro-descendants of the Americas ([AG/RES. 2891 XLVI-O/16](#)); the mandate of the Permanent Forum for People of African Descent ([A/RES/75/314](#)); the purposes of the International Day for People of African Descent ([A/RES/75/170](#)); the recommendations of the OAS Inter-American Network of High Authorities on Afro-descendant Population Policies³; the recommendations of the study Afro-descendants in Latin America: Towards a framework for inclusion⁴; as well as the reports of the meetings Organization for Community Ethnic Development (ODECO), the Afro-descendant World Summit Platform of the World Bank (WB) and the Inter-American Development Bank (IDB), which took place in September 2021, with the participation of Mr. Felipe Jaramillo, Vice President for Latin America and the Caribbean of the World Bank and Mrs. Reina Mejía Chacón, Vice President of the IDB⁵.

5. Given the wide range of issues around which the collective action of People of African Descent gravitates today, it is considered that this could be favoured with the agreement of a kind of decalogue, that is, a ten-point agenda that reflects their priorities, especially from the perspective of leaders and key actors of the Social Movement of Afro-descendants and other interested parties.

6. On the way to defining a possible Afro-descendant decalogue, a consultation instrument's design, formulation, and application were identified as the primary strategy, and submitted to informal and exploratory consultation with key actors. The [instrument](#) mentioned above corresponds to a preliminary version. From now on, its discussion, adjustment, validation, and eventual implementation will be sought, at the request of the Permanent Forum on People of African Descent, as appropriate. Likewise, it is considered

3Inter-American Network of High Authorities on Policies for the Afro-descendant Population [RIAFRO]. (n.d). *We are community, we are Afro*. <https://www.somosafro.org/gobiernos/riafro/>

4World Bank. (2018). People of African Descent in Latin America: Towards a framework of inclusion. <https://openknowledge.worldbank.org/bitstream/handle/10986/30201/129298-7-8-2018-17-30-51-AfrodescendientesenLatinoamerica.pdf?sequence=5&isAllowed=y>

5 World Bank. (2021, September 14). *ODECO/PCMA Meeting Memory Help*. Unpublished document.

opportune to bring to the attention of key actors an approximation of the topics contained in the consultation instrument above.

7. The [Permanent Forum on People of African Descent](#) is tasked “with providing expert advice and recommendations to the Human Rights Council, the General Assembly and other United Nations' bodies, aimed at addressing challenges resulting from racism, racial discrimination, xenophobia and related intolerance confronting people of African descent that impede their human rights.”⁶ The members, who act independently and will be guided by the program of activities for the implementation of the International Decade for People of African Descent, will also “consider the elaboration of a *United Nations declaration on the promotion, protection, and full respect of human rights of Afro-descendants*.”⁷

8. The Forum comprises ten (10) experts who “shall serve in their persona capacity as independent experts on issues of people of African descent or a period of three years with the possibility of re-election or reappointment for one further period.”⁸ The Forum is composed as follows: Ambassador Martin Kimani (Kenya), Mr. Justin Hansford (United States), Ambassador June Soomer (Saint Lucia), Ambassador Mona Omar (Egypt), Vice President Epsy Campbell Barr (Costa Rica), Ms. Alice Angele Nkom (Cameroon), Ms. Gaynel Curry (Bahamas), Mr. Hongjiang Huang (China), Mr. Michael McEchrane (Sweden), and Mr. Pastor Elias Murillo Martinez (Colombia).

9. The Forum had its introductory virtual session on April 1, 2022, and its members agreed to meet informally twice a month. The first **formal session** of the Forum will take place at the Palais des Nations in **Geneva, Switzerland, from December 3 to 8, 2022**. The Forum Experts will meet in person, informally, in Cartagena/San Basilio de Palenque, Colombia, on September 5,

6 Office of the United Nations High Commissioner for Human Rights [OHCHR]. (2022, March 8). *President of the Human Rights Council appoints members of Permanent Forum on People of African Descent*. <https://www.ohchr.org/en/news/2022/03/president-human-rights-council-appoints-members-permanent-forum-people-african-descent>

7United Nations [UN]. (2021, August 2). *General Assembly Establishes Permanent Forum for People of African Descent as 'Consultative Mechanism,' Advisory Body to Human Rights Council*. <https://press.un.org/en/2021/ga12352.doc.htm>

8United Nations General Assembly. (2021, August 6). *Resolution approved by the General Assembly on August 2, 2021. Establishment of the Permanent Forum of People of African Descent*. A/RES/75/314. Para. 2. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F75%2F314&Language=F&DeviceType=Mobile>

6 and 7, 2022, on the occasion of the commemoration of the International Day for People of African Descent, with the support of the Regional Office of the United Nations Population Fund, UNFPA.

10. August 31, [International Day Afro Descendant People](#), constitutes a propitious occasion to promote preparations for the first session of the Forum, as well as “The Africa-African Diaspora Dialogues, on Recognition, Justice, and Development: *Shaping the Present for the Future we want*” that took place in Barbados, on May 12 and 13, 2022, - at the University of the West Indies, with the support of UNFPA -, on the way to the *international summit of black intellectuals and defenders*, to be held in Nairobi, Kenya, 2022 and whose central axes are the International Decade for People of African Descent and the Forum. They are also of the utmost importance and relevance. Indeed, the university mentioned above is the centre of the debate on reparations. This issue will undoubtedly occupy a central place in the International Forum on People of African Descent deliberations. Other countries plan to hold international summits on People of African Descent in Latin America soon.

II. SOME KEY TOPICS OF THE INTERNATIONAL AGENDA FOR PEOPLE OF AFRICAN DESCENT

11. Based on the review and analysis of the references above and the exploratory consultation, the following key issues are proposed:

- A. International Declaration on the Rights of People of African Descent.
- B. Actions to promote moral, spiritual, and material reparation for the legacy of trafficking and enslavement.
- C. Special or Affirmative Action Measures to Repair Past Injustices and Contribute to Guaranteeing the Right to Equality.
- D. Second International Decade for People of African Descent.
- E. United Nations Trust Fund for social mobilization, within the framework of the Decade and the Permanent Forum on People of African Descent.
- F. Inclusive and intercultural education.
- G. Papal Encyclical aimed at recognizing the role of the Catholic Church in the transatlantic trade and slavery.
- H. National, regional, and international strategies to prevent and combat racism and racial discrimination.

- I. Incorporation or strengthening of the Afro-descendant variable in national, regional, and multilateral strategies for post-pandemic reconstruction and addressing global challenges, including migration and compliance with the SDGs.
- J. Equitable sharing of benefits from access to genetic resources associated with traditional knowledge.
- K. World Summit on Afro-descendants, at the request of the United Nations.
- L. Towards a sui generis free trade agreement.
- M. More and better statistical information disaggregated by self-recognition.
- N. Prioritization of the issue of Afro-descendants in global studies.
- O. With a gender and generational approach, political and organizational strengthening of Afro-descendants.
- P. Strengthening the role of the academy.
- Q. Strengthening the role of the private sector.
- R. Right to collective property over land, access to water, and natural resources of Afro-descendants in their ancestral territories.
- S. Quality of intercultural democracy and Afro-descendant electoral political participation.

III. APPROACHES TO THE KEY ISSUES OF THE AFRO-DESCENDANT AGENDA

A. International Declaration on the Rights of People of African Descent

12. The consideration of an International Declaration on the Rights of People of African Descent constitutes the main task that the General Assembly of the United Nations has given to the Permanent Forum of People of African Descent. This Declaration has the potential to become the cornerstone of the international agenda of this group ([AG/RES/75/314](#)). The Forum is expected to take on the task of formulating a Draft Declaration for subsequent negotiation in other instances, including the Intergovernmental Follow-up Group to the Durban Conference and the General Assembly itself.

13. The initiative originates from the document “Declaration on the contribution to the Program of Action for the Decade for People of African Descent” ([A/67/18](#)), adopted by the Committee for the Elimination of Racial Discrimination (CERD) in 2012, which found an echo in the General Assembly of the United Nations, deciding in 2014, to “request States to consider adopting measures to further promote and protect the human rights of people

of African descent as enshrined in international human rights instruments, including through the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of African descent.”⁹

14. The General Assembly statement above was reiterated by the Community of Latin American and the Caribbean States on the occasion of the First Regional Conference of the International Decade for People of African Descent, which decided to “particularly support the elaboration of a United Nations draft declaration on the promotion and full respect of the human rights of people of African descent, underlining the importance of starting work as soon as possible, as well as transferring contributions.”¹⁰. Subsequently, the Human Rights Council and the UN General Assembly adopted several resolutions on the subject.

15. The most remote antecedent of the initiative is [the Declaration of the rights of the black peoples of the world](#). Indeed: “In 1914, Marcus Garvey and his wife Amy Ashwood founded the *Universal Negro Improvements Association* (UNIA) in Jamaica, which by 1920 already had more than two million members worldwide. On August 13 of that year, the UNIA financed the *International Convention of the Negro Peoples of the World*, with the participation of more than 2,000 delegates from 20 countries and which concluded with a march of approximately 25,000 black people in New York's Madison Square Garden. At the end of the meeting, the ‘Declaration of the rights of the black peoples of the world’ was proclaimed and signed by all the attending delegates. The impact of the statement caused Garvey to be persecuted in the United States (Maerk Johannes, p. 156). Rights to life, liberty, and happiness. (Art.1)”¹¹. This Declaration highlights universal rights, the rights of People of African Descent, the rights of Africa, and the right to protest.

16. **Regarding the content of the future International Declaration on the Rights of People of African Descent, it is important to consider the following:**

9 United Nations General Assembly. (2014). *Programme of activities for the implementation of the International Decade for People of African Descent*. A/RES/69/16. Para. 29(h). <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F69%2F16&Language=E&DeviceType=Desktop&LangRequested=False>

10 Community of Latin American and Caribbean States [CEPAL]. (2015) *Declaration of the Regional Conference of the International Decade for People of African descent*. Para. 6. <https://www.dpe.gob.ec/wp-content/dpecomunicacion/pronunciamientos/Declaracion-Conferencia-Decenio.pdf>

11Antón Sánchez, J. (2022, April 29). *What is the Decade about?* [Presentation]. Closing of the African Heritage month, Tegucigalpa, Honduras.

- i. A set of principles including the reversal of the burden of proof and precaution in crimes of racial discrimination.
- ii. The recognition of the collective rights of People of African Descent as subjects within the framework of international law:
 - The right to be recognized as collective subjects of international law.¹²
 - The right to recognition of their status as a native people (in the Americas).¹³
 - The right to recognition and self-determination in ancestral territories.¹⁴
 - “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.”¹⁵
 - The right to their cultural identity, to keep, maintain and foster their mode of life and forms of organization, culture, languages, and religious expressions.”¹⁶
 - “The right to the protection of their traditional knowledge and their cultural and artistic heritage”¹⁷.

12 Antón Sánchez, J. (2022, April 29). *What is the Decade about?* [Presentation]. Closing of the African Heritage month, Tegucigalpa, Honduras.

Santacruz Palacios, M.; Antón Sánchez, J.; García, S., and Viáfara, C. (2019). *Afro-descendant peoples in Latin America: realities and challenges*. Friends of Unesco Corporation and Poemia Editorial.

13 Antón, J. (2021). The character of people in Afro-descendants of Latin America, a challenge for international law. *Andean Dialogue* (65), 245-259. <http://dialogoandino.cl/wp-content/uploads/2021/07/19-ANTON-SANCHEZ-RDA-65.pdf>

14 Antón Sánchez, J. (2022, April 29). *What is the Decade about?* [Presentation]. Closing of the African Heritage month, Tegucigalpa, Honduras.

Economic Commission for Latin America and the Caribbean and United Nations Population Fund. [CEPAL] [UNFPA]. (2020). *People of African descent and the matrix of social inequality in Latin America: challenges for inclusion*. Project Documents (LC/PUB. 2020/14).

Antón, J.; Ramos, M., and Alvarado, M. (2022). *Afro-Ecuadorian ancestral territory*. Abya Yala. Quito.

15 International Committee for the Elimination of All Forms of Racial Discrimination [CERD]. (2011). *General Recommendation No. 34 approved by the Committee on Racial discrimination against people of African descent*. CERD/C/GC/34. Para. 4(a). <https://www.refworld.org/docid/4ef19d592.html>

16 International Committee for the Elimination of All Forms of Racial Discrimination [CERD]. (2011). *General Recommendation No. 34 approved by the Committee on Racial discrimination against people of African descent*. CERD/C/GC/34. Para. 4(b). <https://www.refworld.org/docid/4ef19d592.html>

17 International Committee for the Elimination of All Forms of Racial Discrimination [CERD]. (2011). *General Recommendation No. 34 approved by the Committee Racial discrimination against people of African descent*. CERD/C/GC/34. Para. 4(c). <https://www.refworld.org/docid/4ef19d592.html>

- The foregoing includes: recognition and valuation of genetic resources and their derived products and their associated intangible components; the right to decide on their traditional knowledge, innovations and practices associated with genetic resources; the right to recognition of its historical contribution, biological diversity, its conservation and development and the sustainable use of its components, as well as the benefits that said contribution generates; the right to recognition of the existence of a close interdependence of indigenous, Afro-American and local communities with biological resources that must be strengthened, based on the conservation of biological diversity and the economic and social development of the same and of the Member Countries ; the right to fair and equitable participation in the benefits derived from access to genetic resources, associated with their traditional knowledge; the right to exchange among themselves and for their own consumption, their genetic resources, their derived products, the biological resources that contain them, or the intangible components associated with them, recognition and valuation of the rights and the power to decide on their knowledge, innovations and traditional practices related to genetic resources and their derived products.¹⁸
 - “The right to prior consultation with respect to decisions which may affect their rights, in accordance with international standards.”¹⁹
- iii. Access to justice and the adoption of special measures for People of African Descent:²⁰
- The right to equality and non-discrimination of People of African Descent.
 - Historical reparation measures.
 - Special measures or affirmative action.
 - Measures to prevent and combat racial profiling.

18 Antón Sánchez, J. (2018). The politics of recognition in the International Decade for People of African descent 2015-2014. *Anthropological Bulletin*, 095(1).

19 International Committee for the Elimination of All Forms of Racial Discrimination [CERD]. (2011). *General Recommendation No. 34 approved by the Committee on Racial discrimination against people of African descent*. CERD/C/GC/34. Para. 4(d). <https://www.refworld.org/docid/4ef19d592.html>

20 Mena, Z., de la Rosa, E., Viáfara, C., Antón, J., and Paschel, T. (2017). Cuarta sesión: Acción afirmativa, etno-reparaciones y otras políticas de distribución. In S. Valero (ed.), *Después de Santiago: El movimiento afrodescendiente y los estudios afrolatinoamericanos. Simposio II* (pp. 112-125). Universidad de Cartagena, Afro-Latin American Research Institute, y Ford Foundation.

- The prevention and combat of contemporary forms of racism and racial discrimination against People of African Descent: the algorithmic bias.
- The right to benefit from the underwater cultural heritage and the treasures carried by the galleons.

iv. The right to ethnodevelopment²¹ of Afro-descendant communities:

- The right to expand and consolidate “the areas of one's own culture by strengthening the autonomous decision-making capacity of a culturally differentiated society to guide its own development and the exercise of self-determination, whatever the level considered and implies an equitable and proper organization of power”²².

v. Special Measures to combat Systemic Racism against People of African Descent and guarantee their full political, economic, social, and cultural inclusion:

- Fund for the Development of People of African Descent, in terms of historical reparation: It is important to take into consideration that “in 2011, the Organization for Community Ethnic Development (ODECO) of Honduras convened the First World Summit of Afro descent, which was held that same year in La Ceiba (Honduras). At this summit, held within the framework of United Nations resolution 64/169, under which the International Year for People of African Descent was proclaimed, the commitment to continue promoting local, national, and international actions that would mean substantial improvements for People of African Descent. The action plan approved at the summit included, among others (...) designing and promoting the establishment of an Afro-descendant development fund in the United Nations, as a mechanism to guarantee the rights of People of African Descent

21 “According to Bonfil Batalla, ethnodevelopment means the autonomous capacity of a culturally differentiated society to direct its own development.” Economic Commission for Latin America and the Caribbean [CEPAL]. (1995). *Ethnodevelopment facing the twenty-first century*. LC/R.1578, p. 6.
https://repositorio.cepal.org/bitstream/handle/11362/30523/S9500133_es.pdf?sequence=1&isAllowed=y#:~:text=De%20acuerdo%20a%20Bonfil%20Batalla,para%20directir%20your%20own%20development.

22 UNESCO and FLACSO, 1982 cited in Economic Commission for Latin America and the Caribbean [CEPAL]. (1995). *Ethnodevelopment facing the twenty-first century*. LC/R.1578, p. 6.
https://repositorio.cepal.org/bitstream/handle/11362/30523/S9500133_es.pdf?sequence=1&isAllowed=y#:~:text=De%20acuerdo%20a%20Bonfil%20Batalla,para%20directir%20your%20own%20development.

and overcome disparities in their development.”²³ This Fund would contribute to guarantee conditions to combat poverty, access to education, employment, health, and housing, from the perspective of the right to ethnodevelopment of Afro-descendant communities.

B. Actions to promote moral, spiritual, and material reparation for the legacy of trafficking and enslavement.

17. The demand for reparation for the past events has been a constant on the agenda of People of African Descent. It constitutes the flag of different groups and organizations, even at the State level.

18. The actions carried out to repair People of African Descent include the possibility of “generating political and institutional agreements of regional networks and organizations”, as Vicenta Camusso stated in a meeting with other Afro-descendant Latin American leaders, intending to create a Fund to the Development of People of African Descent, as a key to historical reparation, and the adoption of a Papal Encyclical that recognizes the role of the Catholic Church in slavery and the transatlantic trade of States, among other actions.

19. In this sense, some milestones and emblematic gestures of historical reparation are highlighted below:

i. Milestones on the road to historical reparation for People of African Descent:

- The Durban Conference and its preparatory conferences, particularly that of Santiago de Chile. Indeed, in Durban, the States recognized “that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are

23 Economic Commission for Latin America and the Caribbean [CEPAL] and United Nations Population Fund [UNFPA]. (2020). Movement and Afro-descendant organizations, participation, and representation, in *Afro-descendants and the matrix of social inequality in Latin America: challenges for inclusion* (pp. 49-65). Project Documents (LC/PUB.2020/14), Santiago.

https://repositorio.cepal.org/bitstream/handle/11362/46191/4/S2000226_es.pdf

among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences.”²⁴

- On the specific issue of reparations, in his opening speech at the Conference mentioned above, Kofi Annan, Secretary-General of the United Nations, stated, “(...) it becomes more difficult to determine guilt when the injustices have been committed in the distant past. ‘But its effects remain. The pain and rage are still felt. The dead, through their descendants, cry out for justice’... Each must consider what place they occupy in the chain of events in the history of injustices.”²⁵
- Integration of the CARICOM Commission on Reparations. The fourteen (14) CARICOM States created a commission on reparations. It adopted a [decalogue for political](#) and, if necessary, legal action to obtain the respective compensation from the European countries involved in trafficking and enslavement. In this framework, they submitted a formal request to the British Government, which received a negative response from said Government. It is not ruled out that the matter has evolved to the legal level.²⁶
- OAS Declaration on reparations for the slavery of Africans and their descendants and the slave trade, approved by the Ministers of Foreign Affairs at the second plenary session of the General Assembly, held on June 14, 2016, in which they declared “that they acknowledge that slavery and the slave trade were appalling crimes in the history of humanity; welcome the CARICOM initiative to establish the Caribbean Community Reparations Commission, and applaud the efforts of that Commission to redress historical injustices.”²⁷
- The Action Plan for the Decade of Afro-descendants in the Americas (2016-2025) “recognize the claim for reparations by some member states of

24Organization of the United Nations [UN]. (2001, September 8). *Declaration and Programme of Action. World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance.*

https://www.ohchr.org/sites/default/files/Documents/Publications/Durban_text_en.pdf

25El País. (2001, August 31). *Kofi Annan assures that the Holocaust does not justify the Israeli attacks on the Palestinians. The UN Secretary-General opens the controversial Conference on Racism.*

https://elpais.com/diario/2001/09/01/internacional/999295228_850215.html

26Caribbean Community [CARICOM]. (2014). *Caricom's ten-point plan for reparatory justice.*

<https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/>

27General Assembly of the Organization of American States. (2016, June 14). Declaration on reparations for the enslavement of Africans and their descendants and the slave trade. AG/DEC. 83 (XLVI-O/16). Para. 1.

https://www.iitc.org/wp-content/uploads/AG07150E06_web.pdf

the Caribbean Community and to promote and facilitate discussions on this matter among member states of the OAS.”²⁸

- The Voluntary Contributions Fund supports the work of the Network of High Authorities on Policies for the Afro-descendant Population, RIAFRO. The OAS General Assembly established the Fund through AG/RES. 2941 (XLIX-O/19) and constitutes a precedent of the most significant importance for this document, as it has the potential to channel the aspirations of different groups that, in the region, demand the establishment of a Fund for the Development of People of African Descent. The Resolution urges “to continue encouraging member states and permanent observers to contribute, in keeping with their capacities, laws, and national priorities.”²⁹ The Fund has only received contributions in kind from the Inter-American Development Bank, IDB.
- In March 2021, the IV Special Meeting of the Inter-American Network of High Authorities on Policies for the Afro-descendant Population, RIAFRO, of the OAS, discussed for the first time at the regional level the issue of reparations and held a public event on the subject.
- The High-Level Meeting of Heads of State and Government, UN 2021, was held to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Program of Action, within the framework of the 76th session of the General Assembly of the United Nations, under the theme “Reparations, Racial Justice and Equality for People of African Descent”. In the context of the global mobilization after the murder of George Floyd in the United States and at the request of the Human Rights Council, the United Nations High Commissioner produced a report on the violations of the human rights of People of African Descent, which, for the first. At the same time, he fully addressed the issue of reparations ([A/HRC/47/53](#)). In the same context and an emblematic event, the UN discussed the issue of reparations in favour of People of African Descent in its high-level segment.³⁰
- The ODECO/PCMA – World Bank Meeting, held on September 14, 2021, in Washington, DC, with the participation of a delegation from the Community Ethnic Development Organization (ODECO) and the World Summit

28 General Assembly of the Organization of American States. (2016, June 14). Plan of Action for the Decade for persons of African Descent in the Americas (2016-2025). AG/RES. 2891 (XLVI-O/16).

<https://www.oas.org/en/sare/documents/res-2891-16-en.pdf>

29 General Assembly of the Organization of American States [OAS]. (2019, June 28). *Promotion and protection of Human Rights*. AG/RES. 2941 (XLIX-O/19), p. 127. http://www.gqualcampaign.org/wp-content/uploads/2020/10/Resolucio%CC%81n-Asamblea-General-RES.-2941-XLIX-O_19-pp-116.pdf

30 United Nations Media. (2021). *General Assembly: High-level Meeting to Commemorate the 20th Anniversary of the Adoption of the Durban Declaration and Program of Action (Opening Plenary)*. <https://media.un.org/en/asset/k17/k17oq7an86>

on African descent (PCMA) and representatives of the Bank, led by Felipe Jaramillo, Vice President for Latin America. The meeting aimed to discuss the progress and future steps of the ethno-racial inclusion agenda in the region. “The meeting confirmed that the full participatory inclusion of People of African Descent is of critical importance in relation to several of the great challenges in the region, including the climate crisis, inclusive reconstruction, large-scale migrations, compliance with SDG 2030 goals, democratic stability, and peace, in particular, given the growing political instrumentalization of racism and xenophobia... It was agreed to create a working group of representatives of the World Bank and ODECO/PCMA to draw up the terms of a potential multi-donor Afro-descendant Fund, with specific areas to be addressed in the proposal; as well as focusing on identifying potential donors,”³¹, among other conclusions of the meeting.

- In the meeting cited above, it was also agreed to link other interested parties, including other Afro-descendant organizations and relevant agencies. In this sense, subsequent meetings were held with the vice president of the Inter-American Development Bank, IDB, Ms. Reina Irene Mejía Chacón, and other relevant agencies of said organization.
- Harvard University's recent announcement that it will create a \$100 million fund to research and repair its ties to slavery. In the same sense, other universities have taken a step forward.³² The University of Glasgow has acknowledged its debt for its historical links to the transatlantic slave trade.³³ For this reason, “the President of the University of the West Indies Hilary Beckles, and the Head of Operations of the University of Glasgow, David Duncan, (...) [signed] a historic agreement on reparations for slavery – the first such agreement type since the people enslaved by the British became completely emancipated in 1838. (...) the agreement of 20 million pounds, (...) a symbolic sum that the British Government paid to the enslavers as compensation for the abolition of slavery, will be used for research and other development initiatives between the two universities over the next 20 years under the auspices of the jointly owned and operated Glasgow-Caribbean Centre for Development Research. The goal is for the centre to find solutions

31World Bank. (2021, September 14). *ODECO/PCMA Meeting Memory Help*. Unpublished document.

32 Monge, Y. (2022, April 26). Harvard creates a \$100 million fund to investigate and repair its ties to slavery. *The country*. <https://elpais.com/internacional/2022-04-26/harvard-crea-un-fund-de-100-million-dollars-to-investigate-and-repair-their-ties-with-the-bondage.html>

33August 23). Glasgow University to pay £20m in slave trade reparations. *The Guardian*. <https://www.theguardian.com/uk-news/2019/aug/23/glasgow-university-slave-trade-reparations>

for the most pressing development problems in the Caribbean, for example, the economy, public health, and even questions of cultural identity." 34

- In 2019, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. Tendayi Achiume, in accordance with the General Assembly resolution 73/262 ([A/RES/73/262](#)), prepared a [Report on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance](#), which “addresses the human rights obligations of the Member States in relation to reparations for racial discrimination rooted in slavery and colonialism”, and in which it is recommended, among others, to “maintain the momentum of the commitments made in the Durban Declaration and Program of Action (...), fully comply with international legal obligations on human rights to provide reparations for racially discriminatory human rights violations (...) , adopt a structural and comprehensive approach to reparations (...), decolonize national approaches and international reparations (...), adopt a survivor- and victim-centred approach to reparations (...), adopt educational measures to increase national and international awareness of the magnitude, scope and contemporary legacies of racial discrimination, the entrenched slavery and colonialism (...), create a well-funded global platform for continued exploration of avenues of international action for reparations (...), [and] non-state actor initiatives.”³⁵

It is worth noting that the milestones described above are associated with the legal, institutional, and instrumental framework adopted by the United Nations that supports the new framework for the inclusion of People of African Descent, each of which constitutes a milestone and shapes the international architecture for the recognition, justice, and development of People of African Descent. In this regard, the proclamation of: the International Year for People of African Descent ([A/RES/64/169](#)) stands out; the International Decade for People of African Descent ([A/RES/68/237](#)) and its Program of Activities ([A/RES/69/16](#)); the International Day for People of African Descent ([A/RES/75/170](#)); as well as the creation of: the Group of Eminent Independent Experts on the Durban Declaration and Program of Action ([Resolution 68 of 2002](#)), the Working Group

34Mendes-Franco, J. and Pérez, N. (2019, August 15). *Two universities sign a historic agreement on reparations for slavery in the Caribbean*. <https://es.globalvoices.org/2019/08/15/dos-universidades-firman-acuerdo-historico-sobre-reparaciones-por-esclavitud-en-el-caribe/>

35 United Nations General Assembly. (2019, August 21). *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance*. A/74/321. Para.55-62. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/259/38/PDF/N1925938.pdf?OpenElement>

of Experts on People of African Descent (CHR 2003/30, [A/HRC/RES/9/14](#), [A/HRC/RES/18/28](#), [A/HRC/RES/27/25](#), [A/HRC/RES/36/23](#) and [A/HRC/RES/45/24](#)); the Permanent Forum on People of African Descent ([A/75/L.119/Rev.1](#)); the International Mechanism of Independent Experts on Racial Profiling and Police Violence ([A/HRC/47/L.8/Rev.1](#)); and the approval of: the General Recommendation 34 on Racial Discrimination against Afro-descendants ([CERD/C/GC/34](#)); General Recommendation 36, on preventing and combating racial profiling by law enforcement officials ([CERD/C/GC/36](#)).

ii. Emblematic gestures of historical reparation to People of African Descent:

- As has already been evidenced, there have been gestures of moral and spiritual reparation in favour of People of African Descent in the last Decade. These gestures have been made by some governments and financial institutions in Europe, in particular, Germany, France, the United Kingdom, Belgium, and the Netherlands, as well as by university organizations both in Europe - the University of Glasgow to the CARICOM-, as in the United States. However, not in all cases do they comply with international standards and, to a lesser extent, material.
- The gestures are reflected in requests for historical forgiveness for the events of the past, return of cultural heritage, and integration of national commissions for reparation and economics, as in the case of Germany to Namibia (1,100 million Euros allocated to projects for 30 years)³⁶ and the United Kingdom to Kenya (30 million dollars) in compensation for damages to specific communities, during colonialism³⁷, although very far from the expectations of the victims and the most eloquent international reference, that is, the reparation to the victims of the Holocaust. For its part, Spain does not seem to feel alluded to in this debate.
- Regarding reparations, the United Nations High Commissioner for Human Rights report from 2021 shows that:
“57. Recently, local, national, and regional initiatives have begun to undertake truth-seeking and limited forms of reparations, including memorialisation,

36Sevillano, E. (2021, May 28). Germany acknowledges for the first time that it committed genocide in Namibia at the beginning of the 20th century. *El País*. <https://elpais.com/internacional/2021-05-28/germany-recognizes-for-the-first-time-that-it-committed-a-genocide-in-namibia-at-the-early-of-the-20th-century.html>
37BBC World. (2013, June 6). The UK will pay millions for abuses in Kenya. *BBC News*. https://www.bbc.com/world/latest_news/2013/06/130606_ultnot_reino_united_kenya_mau_mau_nc#:~:text=The%20government%20of%20UnitedKingdom%20,in%20name%20of%20its%20government.

acknowledgements, apologies and litigation. In the United States, for example, litigation was instigated against the city of Tulsa, Oklahoma, regarding the 1921 massacre; the Maryland Lynching Truth and Reconciliation Commission has been established; memorialization initiatives have been undertaken in Montgomery, Alabama; reparations will seek to 'address the historical wealth and opportunity gaps that African American/Black residents of Evanston experienced'; and, at the federal level, a bill (HR40) has been introduced to establish a commission to study and develop reparation proposals for African-Americans. Mappings, apologies, and reparations initiatives have been launched at the state and local levels by universities and religious groups, among others, regarding their historical relationship to enslavement. The private sector has also begun issuing formal apologies and undertaking certain commitments towards reparations.

58. In Belgium, a parliamentary commission was established in 2020 to look into the country's colonial past in the Democratic Republic of the Congo, as well as in Burundi and Rwanda, including the role of the monarchy, the church and business enterprises. In the Caribbean area, the Reparations Commission of the Caribbean Community has developed a 10-point reparation plan outlining 'the path to reconciliation, truth and justice for victims and their descendants'. In 2020, the European Parliament declared slavery a crime against humanity¹²⁵ – as France had done in 2001.¹²⁶ Other States are encouraged to consider taking similar initiatives.

59. Cities in the United States and Europe have begun dialogues, including, as noted above, on removing statues. In 2020, Argentina launched the National Commission for the Historical Recognition of the Afro-Argentine Community, seeking the historical reparation of people of African descent in Argentina through the recovery of sites that have special meaning for this community. In Colombia, the Truth and Reconciliation Commission held truth-telling dialogues in 2020 on the impact of the armed conflict on people of African descent, providing some acknowledgement by individuals of the harms that they had caused. In 2019, France established a foundation to create a museum and memorials regarding the role played by France in the trade in enslaved Africans.

60. Yet, no State has comprehensively accounted for the past or for the current impact of systemic racism. Some have argued against accountability and redress for historical legacies, citing the complexity of considering centuries-old serious

human rights violations and abuses involving now-deceased perpetrators and victims and the presumption that the harms of systemic racism ended with the abolition of chattel slavery. Additionally, delineations of State responsibility and the design and financing of effective reparations programmes that address the temporal and material scope and possible beneficiaries require further definition and negotiation – including but not limited to specific concerns about financial compensation claims. It is time to overcome these hurdles through political leadership, creative responses, empowerment measures and honest dialogue about the impact of these legacies on contemporary forms of racism.”³⁸

20. The milestones and gestures highlighted here do not constitute an exhaustive list. All in all, they are indicative of the degree of legitimacy that the demands for historical reparation of People of African Descent have acquired and of the involvement of a broad spectrum of actors who promote a wide range of strategies, including the possibility of integrating national and regional commissions, following the CARICOM experience.

21. In this context, and for the purposes of this document, it is observed that the initiative of a **Fund for the Development of People of African Descent**, in terms of historical reparation, suggests a global, regional, and national perspective that considers the path travelled in the International Decade for People of African Descent. Hence the special importance of the recommendation of the leader Vicenta Camusso, a member of the Network of Afro-descendant Women, creating “Political and institutional agreements of regional networks and organizations” with a view to the Fund. Concerning the Americas region, it is worth noting that the OAS Fund has the potential to evolve in terms of reparation and encompass the expectations of many actors in the Social Movement of Afro-descendants in the Americas. However, until now, it has not received resources, nor has it been the object of a comprehensive analysis from that perspective.

22. The Permanent Forum on People of African Descent could not replace the instances or limit the actions carried out at the regional and national levels

38United Nations General Assembly. *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers. Report of the United Nations High Commissioner for Human Rights.* A/HRC/47/53. Para. 57-60. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/122/03/PDF/G2112203.pdf?OpenElement>

to reparate people of African descent, including those related to the Fund. However, the Forum does have the potential to contribute to amplifying the voices of *the children of the victims who survived the transatlantic slave trade and their subsequent migrations*, who, with increasing force, clamour for reparation.

23. The Forum can also contribute to articulating efforts, encouraging, and channelling the will of States, intergovernmental organizations, the private sector, and other stakeholders who have decided to step forward and, in general, of all those who, as Kofi Annan pointed out³⁹ have some role to play in this setting.

C. Special or Affirmative Action Measures to Repair Past Injustices and Contribute to Guaranteeing the Right to Equality.

24. They refer to “policies or measures aimed at favouring certain people or groups, either to eliminate or reduce social, cultural or economic inequalities that affect them, or to ensure that members of an underrepresented group, usually a group that has been discriminated against, have a greater representation.”⁴⁰. In essence, they seek to guarantee the right to equal opportunities and treatment. Its legal basis is found in article 1, paragraph 4, and article 2, paragraph 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

25. India and the United States stand out among the primary references in applying affirmative action measures. Similarly, in Latin America, guided by the experiences of women's inclusion in terms of political participation, which today can be seen in the adoption of quota laws in around 130 countries, Latin America is also advancing with legal frameworks that seek equitable access for People of African descent in this area. Today, affirmative action measures constitute the basis on which the new framework for the inclusion of People of African descent is being built, mainly through quotas for access to public

39El País (2001, August 31). *Kofi Annan assures that the Holocaust does not justify the Israeli attacks on the Palestinians. The UN Secretary-General opens the controversial Conference on Racism.*

https://elpais.com/diario/2001/09/01/internacional/999295228_850215.html

40 Constitutional Court of Colombia. (2000, March 29). Judgment C-371/00. (Carlos Gaviria Diaz, MP).

<https://www.corteconstitucional.gov.co/relatoria/2000/C-371-00.htm>

office and education: **Costa Rica**, [Law 10001 of 2021](#); **Uruguay**, [Law No. 19 122 of 2013](#); **Brazil**, [Law No. 12,990 of 2014](#); **Ecuador**, [Decree No. 60 of 2009](#).

26. **Colombia**, for its part, has [Law 649 of 2001](#), which regulates article 176 of the Political Constitution regarding special districts in the Congress of the Republic, which provides for two seats in the House of Representatives for Black Communities and the Forgivable Credit Fund for Afro-Colombian students with low economic resources and good academic performance, [Decree 1627 of 1996](#).

27. The Political Constitution of **Bolivia** also allows Afro-Bolivians access to Congress under special conditions, together with other groups. In 2019, **Brazil** applied regulations that grant economic incentives to Afro-descendant candidates to guarantee their equal participation in the elections. **Colombia and Brazil** are also benchmarks in affirmative action measures for the access of People of African descent to higher education⁴¹.

28. Thus, special measures or affirmative action are of growing interest, in the perspective of guaranteeing the right to equality of People of African descent and repairing past injustices. The Permanent Forum on People of African Descent and other relevant bodies and mechanisms, in association with other interested parties, have an opportunity to contribute to its expansion in many more countries and accompany its effective implementation.

D. Second International Decade for People of African Descent.

29. It is confirmed that the International Decade for People of African Descent 2015-2024, whose themes are Recognition, Justice, and Development, is far from reaching its objectives. Hence, many agree on the need for the United Nations Organization, from now on, to consider proclaiming a second decade. Thus, for example, Colombia, which in 2009 originally proposed the Decade, which initially led to the proclamation of 2011: International Year for People of African Descent, has made public its interest in a second decade, as stated by the former Minister of Culture

41 Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL].

Carmen Inés Vásquez Camacho, on the occasion of a meeting with Ministers of Culture from several Latin American countries. It should be noted that, as happened with the current Decade, it is foreseeable that South Africa will claim its interest in leading the issue before the UN because it is linked to the Durban Conference. In any case, it is foreseeable that, as happened with the proclamation of the International Day for People of African Descent, the initiative for a second International Decade for People of African Descent enjoys unanimous support in the General Assembly, or, at least, consensus, as was the case of the Year and the current Decade, that is, absence of opposition.

E. Trust Fund in the United Nations for social mobilization, within the Decade and the Permanent Forum on People of African Descent framework.

30. It is important to note that “The Secretary-General established the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination in 1973 as a financial mechanism to implement the activities planned in the context of the Decade for Action to Combat Racism and Racial Discrimination (1973-1982). It was also used to fund activities during the second and third decades (1983-1992 and 1994-2003) and to cover expenditure relating to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in 2001, and the Durban Review Conference, in 2009. Given that no further activities were planned under the Trust Fund, no new contributions were received after 2009 and all pending obligations were fulfilled, the Trust Fund was closed in 2014.”⁴²

31. In this regard, within the framework of the Global Call for the adoption of concrete measures for the total elimination of racism, racial discrimination, xenophobia, and related intolerance and the general implementation and follow-up of the Declaration and Program of Durban action:

“23. Requests the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventy-sixth session, a section outlining the progress in the implementation of

42 United Nations General Assembly. (2015, August 21). *Programme of activities for the implementation of the International Decade for People of African Descent. Report of the Secretary-General*. A/70/339. Para. 73. <https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F339&Language=E&DeviceType=Desktop&LangRequested=False>

paragraph 18 of its resolution 68/151 of 18 December 2013 regarding the revitalization of the trust fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

24. Strongly appeals to all Governments, intergovernmental and non-governmental organizations, and individuals, as well as other donors in a position to do so, to contribute generously to the trust fund, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions”.⁴³

32. Unlike what happens with indigenous peoples, the participation of Afro-descendant civil society spokespersons in the different United Nations forums is recent and very scarce. Ensuring that the Permanent Forum on People of African Descent sufficiently represents the millions of people of African descent will require extraordinary financial efforts.

33. In this perspective, establishing a trust fund to guarantee broad Afro-descendant participation in the Forum, based on resources from the United Nations, international cooperation, private donors, and other interested parties, constitutes an urgent need. The UN could also consider restructuring the Trust Fund for Indigenous Peoples to strengthen the participation of Afro-descendants. This option could offer financial advantages by avoiding new administrative costs and benefiting from the experience accumulated in indigenous matters.

F. Inclusive and intercultural education.

34. According to CEPAL and UNICEF, in Latin America, there is “an important diversity of plans and programs that aim to ensure access to compulsory education for children and adolescents from indigenous peoples

43United Nations General Assembly. (2020, December 31). *Resolution approved by the General Assembly. A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*. A/RES/75/237. Para. 23-24.
<https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F75%2F237&Language=E&DeviceType=Desktop&LangRequested=False>

and Afro-descendant populations. (...) However, this does not seem to mean progress in including an intercultural perspective in the education of all children and adolescents from different countries.”⁴⁴

35. It is essential to remember that "the proposals of interculturality differ from and should be compared with those of multiculturalism to the extent that they go beyond the idea of tolerance, where each one remains in a discrete space. Instead, what is sought is to build bridges that allow reformulating the positions of each one in the social structure established through historical processes. Multiculturalism is a condition for mutual enrichment. And interculturality relates cultural difference to inequality".⁴⁵

36. In this sense, inclusive and intercultural education is critical on the path toward recognition, justice, and development of People of African Descent. It is anticipated that it will be an issue to be addressed insistently by many of the potential participants in the Permanent Forum on People of African Descent, including the World Bank, which has just produced a report on the education of people of African descent in Latin America.

G. Papal Encyclical aimed at recognizing the role of the Catholic Church in the transatlantic trade and slavery.

37. The encyclical would be aimed at recognizing the role of the Catholic Church in slavery and the transatlantic slave trade. Indeed, encouraged by the Committee for the Elimination of Racial Discrimination, CERD, on the occasion of examining its first periodic report, the State of the Holy See assumed the unilateral commitment to adopt an Encyclical. In this regard, “the Committee welcomes the willingness expressed by the delegation of the Holy See to adopt an encyclical or other appropriate public statement addressing the importance of combating racial discrimination against people of African descent, which in the Committee’s view can play an important role in providing moral redress

44Corbetta, S., et al. (2018). *Bilingual intercultural education and intercultural approach in Latin American educational systems. Advances and challenges*. Economic Commission for Latin America and the Caribbean [CEPAL] and United Nations Children's Fund [UNICEF], p. 71.

https://repositorio.cepal.org/bitstream/handle/11362/44269/1/S1800949_es.pdf

45Corbetta, S., et al. (2018). *Bilingual intercultural education and intercultural approach in Latin American educational systems. Advances and challenges*. Economic Commission for Latin America and the Caribbean [ECLAC] and United Nations Children's Fund [UNICEF], p. 21.

https://repositorio.cepal.org/bitstream/handle/11362/44269/1/S1800949_es.pdf

for the involvement of the Catholic Church in the transatlantic slave trade and the harsh policies of colonialism in Africa. The Committee encourages the State party to hold a high-level dialogue with representatives of people of African descent on the role of the Catholic Church in the transatlantic slave trade and its consequences. In this regard, the Committee encourages the Holy See to take into account the International Decade for People of African Descent (2015-2024), proclaimed by the General Assembly in its resolution 68/237, in addition to Assembly resolution 69/16, on the programme of activities for the implementation of the Decade, and the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent."⁴⁶

H. National, regional, and international strategies to prevent and combat racism and racial discrimination.

38. The issues likely to be addressed are xenophobia, police violence, racial profiling, and algorithmic bias. In this framework, Resolution A/HRC/47/L.8/Rev. of 2021, by which the General Assembly of the United Nations decided "to establish an international independent expert mechanism, comprising three experts with law enforcement and human rights expertise, to be appointed by the President of the Human Rights Council, to be supported by the United Nations High Commissioner for Human Rights in order to further the agenda towards transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the Transatlantic slave trade in enslaved Africans, and to contribute to accountability and redress for victims; the mechanism should function in close collaboration with relevant special procedure mandate holders, including the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, also with the view to avoid duplication."⁴⁷

46Committee for the Elimination of Racial Discrimination. (2016, January 11). *Concluding observations on the combined sixteenth to twenty-third periodic reports of the Holy See*. CERD/C/VAT/CO/16-23, para. 24.

<https://undocs.org/Home/Mobile?FinalSymbol=CERD%2FC%2FVAT%2FCO%2F16-23&Language=E&DeviceType=Desktop&LangRequested=False>

47United Nations General Assembly. Human Rights Council. (2021, July 9). *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through an agenda towards transformative change for racial justice and equality*. A/HRC/47/L.8/Rev.1, para. 10.

39. The mechanism of experts referred to in said Resolution was established as part of the responses to the situations revealed by the murder of George Floyd in the United States. Earlier, the Committee for the Elimination of Racial Discrimination, CERD, had drawn attention to the issue with the adoption of General Recommendation 36 (2020), “relative to the prevention and fight against racial profiling by law enforcement officers”, which, with an avant-garde vision, also addresses algorithmic bias.

I. Incorporation or strengthening of the Afro-descendant variable in national, regional, and multilateral post-pandemic reconstruction strategies and the approach to global challenges, including migration and compliance with the SDGs.

40. In order to help alleviate the consequences of the Covid-19 pandemic, the multilateral Bank has mobilized significant sums of money destined for the countries. The historical conditions in which the People of African Descent have been debated, added to the disproportionate effects of the pandemic, suggest the need to deploy actions aimed at guaranteeing a differential approach in the design and implementation of relevant financial operations to guarantee access of this population to the reconstruction funds, as well as the funds destined to alleviate migration and the fulfilment of the SDGs, including overcoming poverty and managing the climate crisis.

J. Equitable sharing of benefits for access to genetic resources associated with traditional knowledge.

41. Afro-descendant collective action should include active participation in the debates and negotiations that have been taking place for some time at the request of the World Intellectual Property Organization, WIPO, in Geneva, Switzerland.

K. World Summit on Afro-descendants, at the request of the United Nations.

42. The initiative is part of the CERD's contributions to the Program of Activities for the International Decade for People of African Descent ([A/67/18](#)) “to invite the General Assembly to consider convening a world summit on people of African descent involving the States, the United Nations specialized agencies, programmes and funds and representatives of civil society focusing on the rights of people of African descent, in order to assess the progress achieved during the Decade for People of African Descent.”⁴⁸ It could be part of the closing activities of the Decade and serve as a platform for the launch of an eventual second international decade for people of African descent.

L. *Sui generis* Free Trade Agreement.

43. A *sui generis* free trade agreement would potentially resignify triangular trade and connect the African diaspora for prosperity. The organization of AfroExpo 2024, on the closing of the First Decade and the inauguration of a possible second decade, could be a trigger activity to promote a market for goods and services under conditions of mutual recognition.

M. More and better statistical information disaggregated by self-recognition.

44. The collection of disaggregated statistical information has profoundly impacted the visibility of systemic racism against People of African Descent and, in general, on the path towards recognition, justice, and development of said people. Except for the Dominican Republic, all population censuses already include this variable in Latin America. However, challenges remain regarding the quality of these censuses, as was found in Colombia, where without a reasonable scientific basis, the 2018 Census registered a 30% decline in the number of People of African Descent who self-identified as such concerning the previous Census carried out in 2005. Additionally, except in Brazil and, to a lesser extent, Colombia, the Afro variable in the administrative records is still a pending task.

⁴⁸Committee for the Elimination of Racial Discrimination. (2012). *Annex VII: Text of statements adopted by the Committee in the reporting period Statement on the contribution to the Programme of Action for the Decade for People of African Descent*. A/67/18, para. 4.
<https://undocs.org/Home/Mobile?FinalSymbol=A%2F67%2F18&Language=E&DeviceType=Desktop&LangRequested=False>

N. Prioritization of the issue of Afro-descendants in global studies.

45. In this regard, the recommendation of the CERD stands out “to promote the development of studies regarding the themes of the Decade for the People of African Descent by United Nations organs, bodies and specialized agencies, such as the Food and Agriculture Organization, the World Bank Group, the International Labour Organization, the World Health Organization, United Nations Educational, Scientific and Cultural Organization, and United Nations programmes and funds such as the United Nations Development Programme and the United Nations Children’s Fund, and the Office of the United Nations High Commissioner for Human Rights. Additionally, during the forthcoming decade, the specialized agencies, programmes and funds should be encouraged to make the issue of the people of African descent a principal theme of their respective global studies.”⁴⁹

O. With a gender and generational approach, political and organizational strengthening of Afro-descendants.

46. The economic leverage of networks and alliances around the Permanent Forum of People of African Descent is of the most significant importance among other actions.

P. Strengthening the role of the academy.

47. The academy is growing interested in addressing issues that concern People of African Descent. With a view to the mandates of the Forum and, in particular, to formulate an International Declaration on the Rights of People of African Descent, some universities, including networks of universities, could host the debates around the main thematic axes of the Declaration, according to a regional distribution.

49Committee for the Elimination of Racial Discrimination. (2012). *Annex VII: Text of statements adopted by the Committee in the reporting period Statement on the contribution to the Programme of Action for the Decade for People of African Descent*. A/67/18, para. 3.
<https://undocs.org/Home/Mobile?FinalSymbol=A%2F67%2F18&Language=E&DeviceType=Desktop&LangRequested=False>

Q. Strengthening the role of the private sector.

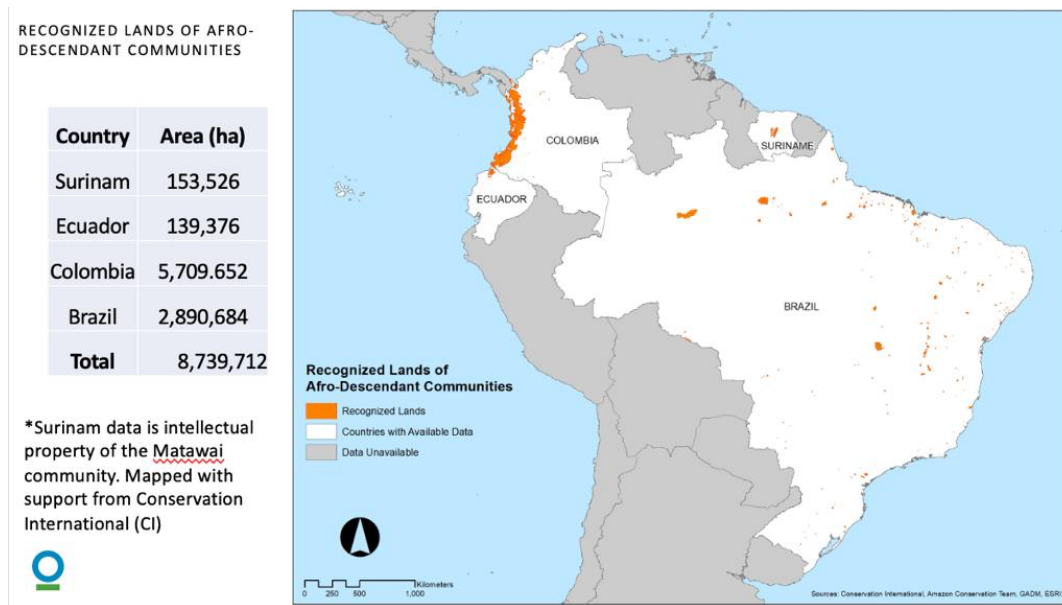
48. Perhaps, this is one of the least explored areas in the collective action of People of African Descent. The Forum has the challenge of channelling many of the wills expressed so far and proposing mechanisms that favour the active and effective participation of the private sector in the path towards recognition, justice, and development of People of African Descent.

**R. Right to collective property over land, access to water, and natural resources
People of African Descent in their ancestral territories.**

49. The ancestral territories where a significant portion of the Afro-descendants of Latin America are located, for the most part, are characterized by their wealth in terms of natural resources and their privileged geostrategic position, which gives comparative and competitive advantages to the States of the United States. that are part of and represent, perhaps, the main asset that People of African Descent have. Recently, they are gaining particular importance, to the extent that global collective awareness grows, around the challenges posed by climate change and international maritime trade. Indeed, there are about 9 million hectares of land that have been collectively awarded to them, as shown below:

Map 1

Recognized territories of Afro-descendant communities in Latin America



Note. Map is taken from the Conservation International Amazon Conservation Team (n.d.).

50. In Honduras, 32,000 hectares of land have been awarded to the Garifuna⁵⁰. However, the communities have declared that the Honduran State has not complied with “complete titling (...) in accordance with the ancestral limits.”⁵¹. For this reason, the community leaders of Punta de Piedra, Triunfo de la Cruz, San Juan, and Tornabé have filed complaints with the Inter-American Court of Development for “the dispossession, the lack of protection of their ancestral territories, and the threat to their leaders.”⁵²

50 Community Ethnic Development Organization. [ODECO]. (2014). *Alternative report submitted to the CERD*. https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/HND/INT_CERD_NGO_HND_16233_S.pdf

51 Swissinfo. (2022, April 6). Garifunas claimed ancestral lands and asked for a ruling against the Honduran State. *Swissinfo*. https://www.swissinfo.ch/spa/honduras-d-humanos_gar%C3%ADfunas-reclaman-terres-ancestrales-y-piden-ruling-contra-estado-hondure%C3%B1o/47494772

52 Jenny Pascacio. (2022, April 14). Garífunas ask the Inter-American Court for recognition of their territory. *Middle Wasp*. <https://avispa.org/garifunas-piden-ante-la-corte-idh-recognition-de-su-territorio/>
Cristosal. (nd). *Inputs for the preparation of the report of the High Commissioner under resolution 43/1 of the Human Rights Council “Promotion and protection of human rights and freedoms rights of Africans and Afro-descendants against the excessive use of force and other human rights violations by law enforcement officials*. https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/RES_43_1/NGOsAndOthers/cristosal.pdf

51. To put into perspective the critical importance of Afro-descendant territories, it is enough to highlight some relevant data referring to the Colombian Pacific Region:

- i. The Pacific region concentrates 44% of the 4,365,000 self-identified as such in the 2005 census.⁵³ After the 2018 census, DANE made official the figure of 4,671,160 Colombians who self-identify as black, Afro-descendant, Raizal and Palenquera, based on the 2019 National Quality of Life Survey.⁵⁴
- ii. The Afro-Colombian collective territories correspond to five million seven hundred and sixty-four thousand one hundred and ninety-eight hectares (5,764,198 hectares), that is, 4.6% of the national territory, in 215 collective titles that benefit more than 88,503 families and more than 500,000 of people to, of which 72.4% are forest reserve areas, equivalent to 3,765,694 million hectares that correspond to 7.38% of the 20,949,694 million hectares of reserves in the country.⁵⁵
- iii. In several ancestral territories of black communities, minerals such as manganese, copper, and molybdenum are currently being exploited, in addition to the large deposits of gold, platinum, and coal.⁵⁶
- iv. The Pacific region has 34% of the country's water supply.⁵⁷
- v. In the Pacific, there are seven regional basins and 39 sub-basins, and it contributes 10 thousand cubic millimetres of rain per year; there are 1,300 kilometres of coastline; the most important ports in the country, and those that are projected, as well as several of the expansion road corridors for competitiveness, are located in Afro-Colombian territories or with a significant predominance of said population.⁵⁸

53 Presidential Agency for Social Action and International Cooperation. (2010). *Characterization of rural lands and their correlation with forced displacement in Colombia*. Presidency: Presidential Agency for Social Action and International Cooperation.

54 National Editorial. (2019, November 25) Afro-Colombians are 4,671,160, 9.34% of the country's population. *El Nuevo Siglo*. <https://www.elnuevosiglo.com.co/articulos/11-2019-afrocolombianos-son-4671160-el-934-de-la-poblacion-del-pais>

55 Presidential Agency for Social Action and International Cooperation. (2010). *Characterization of rural lands and their correlation with forced displacement in Colombia*. Presidency: Presidential Agency for Social Action and International Cooperation.

56 Presidential Agency for Social Action and International Cooperation. (2010). *Characterization of rural lands and their correlation with forced displacement in Colombia*. Presidency: Presidential Agency for Social Action and International Cooperation.

57 Presidential Agency for Social Action and International Cooperation. (2010). *Characterization of rural lands and their correlation with forced displacement in Colombia*. Presidency: Presidential Agency for Social Action and International Cooperation.

58 Presidential Agency for Social Action and International Cooperation. (2010). *Characterization of rural lands and their correlation with forced displacement in Colombia*. Presidency: Presidential Agency for Social Action and International Cooperation.

52. On the other hand, it is worth noting that the particularity concerning the ports located in territories with a majority or significant Afro-descendant presence constitutes an asset of the greatest importance since it grants comparative and competitive advantages to both countries and the communities settled there. Among these, it is worth highlighting the Port of Colón and the Panama Canal (Panama), Puerto Limón (Costa Rica), the Port of Callao (Peru), the Port of Guayaquil and Esmeraldas (Ecuador), and the ports of Colombia, as shown in the following map:

Map 2

Ports of Colombia with Afro-descendant presence



Note. Map took from *Technical Document: Sea Ports*. National Administrative Department of Statistics [DANE]. (2014).

https://www.dane.gov.co/files/investigaciones/construccion/AFOC/5_Puertos_%20Maritimos.pdf

53. According to Professor Jhon Antón Sánchez, in contribution to this document, “the right to territory and the recognition of collective ownership of their lands occupied ancestrally by Afro-descendants of the Americas, are recognized by international law in certain cases of application of ILO Convention 169 and the application of Article 21 of the Inter-American Convention on Human

Rights. Indeed, the Inter-American Court has, in some cases, issued judgments in favour of the Afro-descendant communities of Moiwana (2005), Saramaka (2007), and in Suriname, Garifuna communities of Punta Piedra (2015) and Triunfo de la Cruz (2015), where it refers to said Afro-descendant communities as tribal peoples, or in its case as indigenous and native peoples. In all cases, the Court specifies that the Afro-descendant communities meet the objective and subjective requirements that ILO Convention 169 determines for indigenous and tribal peoples.”⁵⁹

54. Professor Antón adds that “one of the first emblematic cases in which the Court has recognized the character of Afro-descendants as tribal people and their consequent right to territory is configured by the ruling in favor of the Saramaka communities vs. Surinam. In 2007, the Court ruled that the Saramaka people are one of the six distinctive maroon groups in Suriname, whose ancestors were enslaved Africans forcibly brought to Suriname during European colonization in the 17th century and form a ‘tribal community.’⁶⁰ The recognition of tribal people was considered by the Court given that the Saramakas have ‘social, cultural and economic characteristics different from other sections of the national community, particularly because of their special relationship with their ancestral territories, and because they regulate themselves, at least partially, by their own norms, customs, and/or traditions.’⁶¹ Fundamentally, the Court based its analysis on a cultural approach to both the identity of this Afro-descendant community and its relationship with the territory. For the Inter-American Court, the culture of the Saramakas ‘is also similar to that of tribal peoples insofar as the members of the Saramaka people maintain a strong spiritual relationship with the ancestral territory⁶² they have traditionally used and occupied. Land is more than merely a source of subsistence for them; it is also a necessary source for the continuation of the life and cultural identity of the Saramaka people (...) [it is] part of their social, ancestral, and spiritual essence.’⁶²”

59 Professor Jhon Antón's contribution to this document.

60 Inter-American Court of Human Rights. [IACHR]. (2017, November 28). Judgment in the case of the Saramaka People vs. Surinam (Preliminary Objections, Merits, Reparations, and Costs), para. 80. https://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

61 IACHR. (2017, November 28). Judgment in the case of the Saramaka People vs. Surinam (Preliminary Objections, Merits, Reparations, and Costs), para. 84. https://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

62 IACHR. (2017, November 28). Judgment in the case of the Saramaka People vs. Surinam (Preliminary Objections, Merits, Reparations, and Costs), para. 82. https://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

S. Quality of intercultural democracy and Afro-descendant electoral political participation.

55. The irruption of People of African Descent in politics is a phenomenon on the rise, which has its most emblematic experiences with the election of Barak Obama to the Presidency of the Republic in the United States, the subsequent election of Kamala Harris to the vice presidency of that country. In Latin America, the election of Epsy Campbell, the First Vice President of Costa Rica, for the period 2018-2022, which placed her as the first Afro-descendant to reach that position, has just added the election of Francia Márquez to the Vice Presidency of Colombia, for the period 2022-2026, in elections that, in one of its many emblematic events, had among the vice-presidential formulas, in the first round, three women and an Afro-descendant man, an event in itself unprecedented, all time they had never figured in that position. The losing candidate in the second round was also nominated for the vice presidency by an Afro-descendant woman (Ms. Marelen Castillo), who, due to the Opposition Statute, automatically entered to occupy a seat in the Lower House or House of Representatives. Undoubtedly, these milestones mark a trend towards the political participation of People of African Descent and pave the way for the exercise of full citizenship by this population in the Americas.

56. Indeed, in the opinion of Jhon Antón Sánchez and Marcia Santacruz, "the experience of political participation of People of African Descent in liberal democracy could be determined as frustration. In the case of some countries in the region, it has also been disappointing. In addition to racial prejudice, the underestimation of the electoral potential of the population, corporatism, and the utilitarianism of representation and inclusion is also constant. The data is still meagre when they state that the Afro-descendant population in Latin America and the Caribbean could exceed 21% of the total regional population. Something not insignificant in demographic terms and with enormous electoral potential. Suppose we disaggregate this population by age group with the ability to vote. In that case, we will find that in some countries such as Venezuela, Brazil, Cuba, Colombia, Ecuador, Costa Rica, Panama, and Honduras, among others, Afro-descendants could not only be considered as a group with possibilities of electoral political determination, but that in certain regions such as the Department of Chocó, the province of Esmeraldas, or cities such as Cali, Quibdó, San Lorenzo, Limón, La Ceiba, in an organized way they could always maintain

the electoral arena conquered. In short, organized politically, the more than 133 million People of African Descent in Latin America would not only be symbols of innovative political practice. Still, they could also constitute a not inconsiderable electoral force during electoral ballots. Even at the provincial, cantonal, and parish levels, the Afro-descendant electoral potential can overwhelm the voting majority.”⁶³

IV. GENERAL OVERVIEW OF THE SITUATION OF PEOPLE OF AFRICAN DESCENT IN THE AMERICAS

57. The Committee for the Elimination of Racial Discrimination has reiterated the need for statistical information disaggregated by ethnicity/race for all the countries examined.

58. CEPAL and UNFPA (2020) maintain that “a fundamental principle of the 2030 Agenda for Sustainable Development is to move towards “leaving no one behind” by reaching out first to that furthest behind. It is necessary to determine who is the most distant behind, where they are, where they are going, why they are the furthest behind, the context of their needs, and design strategies based on that knowledge. It is not a question of knowing only one dimension of exclusion but of considering it in the context of the intersectionality of the dimensions that characterize these populations. This need is even more pressing in the countries of Latin America and the Caribbean, where the national averages of the indicators often hide the situation of the different groups in society and the gaps in well-being derived from geographic location, ethnicity, age group, income, immigration status, and disability status, as well as combinations of these or other relevant characteristics.”⁶⁴

59. The incorporation of a statistical analysis must consider that there are around 200 million People of African Descent in the Americas. This is approximately 30% of the region's population and a quarter of the total of Latin America.⁶⁵ This population is concentrated mainly in **Brazil and the United States**, with 108 and 45 million,

63Antón, J., and Santacruz, M. (2022). *Unfinished Citizenship: Frustrations and Innovations of Afro-descendant Political Participation in Liberal Democracy*. Document for the Political Innovation Network in Latin America.

64 CEPAL and UNFPA. (2020). *People of African Descent and the matrix of social inequality in Latin America. Challenges for inclusion*. Project Documents (LC/PUB.2020/14), p. 67.

65 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life*. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas. Pan American Health Organization [PAHO]. <https://iris.paho.org/handle/10665.2/51615>

respectively, followed by **Colombia**, with an estimated population of more than 10 million, of which 9.3% self-identify as Afro descendant.⁶⁶

60. The following notes, although outdated, have the potential to draw attention to the importance of the production of statistical information in different areas:

i. **Poverty**

- The risks of poverty are cumulative: On average, the income of Afro-descendant women reached just 51% of the income of Afro-descendant men in 2014.⁶⁷
- In the United States of America, 19% of older African Americans and 18% of older Hispanics live in poverty, compared to 9% of older whites.⁶⁸
- In Colombia, the effect of ethnic-racial conditions on poverty was verified. Given the same characteristics of people, being Afro descendant increases the probability of being poor by 75% and the probability of being in extreme poverty by 140%.⁶⁹

ii. **Education**

- People of African Descent register large gaps in access to education, including higher education, which affects the quality of employment, health, and justice.
- In **Uruguay**, the school enrolment rate for People of African Descent between the ages of 18 and 24 is less than half the rate for other young people.⁷⁰

66 Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL].

67 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 161. <https://iris.paho.org/handle/10665.2/51615>

68 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 153. <https://iris.paho.org/handle/10665.2/51615>

69 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 75. <https://iris.paho.org/handle/10665.2/51615>

70 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization*

iii. Child mortality

- Between 2003 and 2017, mortality in children under 1-year-old fell 42% in **Latin America and the Caribbean** and remained below 10 per 1,000 in the United States and 5 per 1,000 in **Canada**.⁷¹ In seven of the eight Latin American countries for which there are data, mortality in children under one year of age was higher in 2010 in children of African descent than in children who were not.⁷²

iv. Child Labour

- The Americas region has the third-highest burden of child labour in the world. In 2017 there were 10.7 million children and adolescents between the ages of 5 and 17 in the labour market.⁷³
- In **Brazil**, in 2014, about 60% of working children between the ages of 5 and 13 were People of African Descent.⁷⁴

Commission on Equity and Inequalities in Health in the Americas. Pan American Health Organization [PAHO], p. 117. <https://iris.paho.org/handle/10665.2/51615>

71 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 102. <https://iris.paho.org/handle/10665.2/51615>

72 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 80. <https://iris.paho.org/handle/10665.2/51615>

73 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 129. <https://iris.paho.org/handle/10665.2/51615>

74 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 130. <https://iris.paho.org/handle/10665.2/51615>

v. Maternal Health and Postnatal Care

- Large differences persist between countries in the maternal mortality rate, ranging from 4.8 female deaths in childbirth per 100,000 live births in **Canada** to more than 220 per 100,000 in **Guyana** and **Haiti**.⁷⁵
- In **Costa Rica**, 87% of Afro-descendant women received prenatal care in 2013, compared to 92% of women from other groups.⁷⁶
- In **Uruguay**, 78% of Afro-descendant women received prenatal care in 2011, compared to 90% of non-Afro-descendant women.⁷⁷
- It should be noted that **the region did not achieve the Millennium Development Goal 5** of reducing the maternal mortality rate by 75% between 1990 and 2015 (goal 5.A) and achieving universal access to reproductive health services by 2015 (goal 5.B).⁷⁸

vi. Life expectancy

- In People of African Descent, it is notoriously lower than the national averages, and the gap widens with a higher concentration of the population.
- In the city of Baltimore, **United States**, in 2014, there was a 19-year disparity in life expectancy between the most disadvantaged and the wealthiest neighborhoods.⁷⁹

75 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 100. <https://iris.paho.org/handle/10665.2/51615>

76 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 101. <https://iris.paho.org/handle/10665.2/51615>

77 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 101. <https://iris.paho.org/handle/10665.2/51615>

78 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 100. <https://iris.paho.org/handle/10665.2/51615>

79 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 148. <https://iris.paho.org/handle/10665.2/51615>

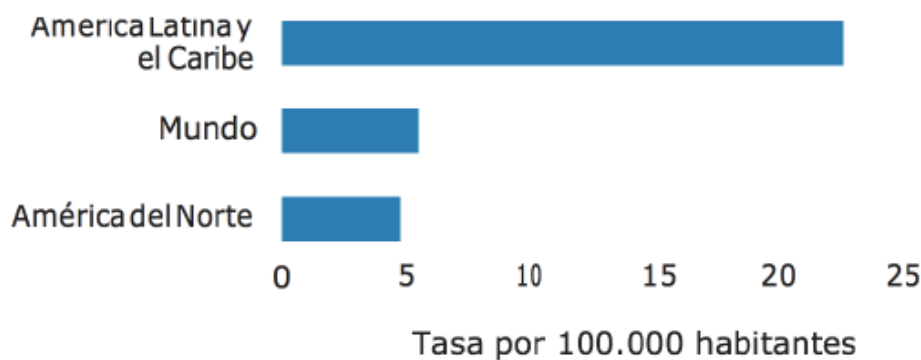
- For its part, a woman in **Haiti** has a life expectancy of just under 66 years, while in Canada, it is 84 years.⁸⁰

vii. Violence

- **Latin America and the Caribbean** have the highest homicide rate globally, which in 2015 was 22 per 100,000 inhabitants, while the second-highest rate, registered in sub-Saharan Africa, was 9 per 100,000.⁸¹

Figure 1

Homicide rates, averages for Latin America and the Caribbean, the world, and North America, 2015



Fuente: Banco Mundial. Datos de libre acceso del Banco Mundial. Indicadores del desarrollo mundial [Internet]. Se encuentra en <https://datos.bancomundial.org/>.

Note. Figure took from *Just Societies: Equity in Health and Dignified Life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. The Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas (2019, p. 185).

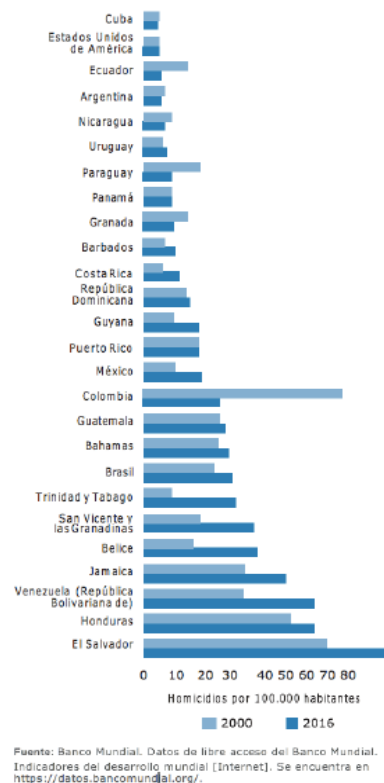
80 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 3. <https://iris.paho.org/handle/10665.2/51615>

81 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 177. <https://iris.paho.org/handle/10665.2/51615>

- Data from **Brazil** for 2013 indicate that most youth who are murdered are People of African Descent: 23.6 per 100,000 on average, compared to 8 per 100,000 for non-Afro-descendants.⁸² In 2018, more than 5,000 died at the hands of the police. In the State of Rio alone, police forces have already assumed the death of 1,249 people of African descent between January and August 2019.⁸³

Figure 2

Homicide rates, countries in the Americas region for which comparable data are available, 2000 and 2016



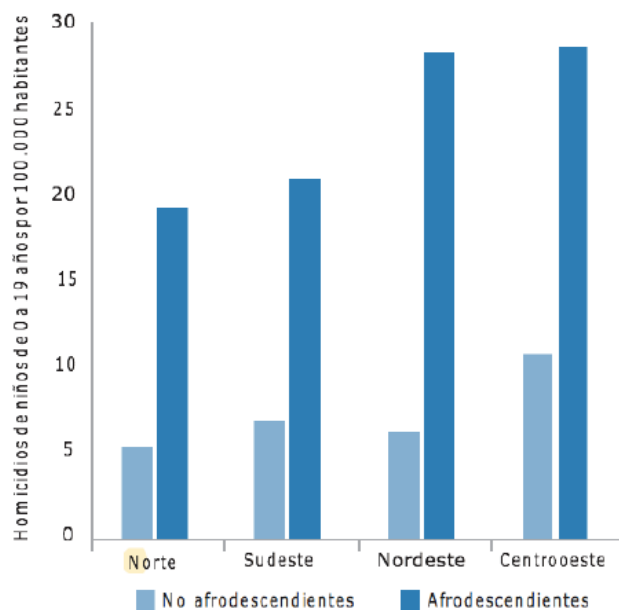
Note. Figure taken from *Just Societies: Equity in Health and Dignified Life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. The Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas (2019, p. 178).

82 Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. Pan American Health Organization [PAHO], p. 186. <https://iris.paho.org/handle/10665.2/51615>

83 Betim, F. (2019, October 11). 90% of the deaths caused by the police in Rio de Janeiro go unpunished. *El País*. https://elpais.com/internacional/2019/10/11/actualidad/1570805352_890829.html

Figure 3

Homicide rate of children and adolescents (0 to 19 years old), by region of Brazil, 2013



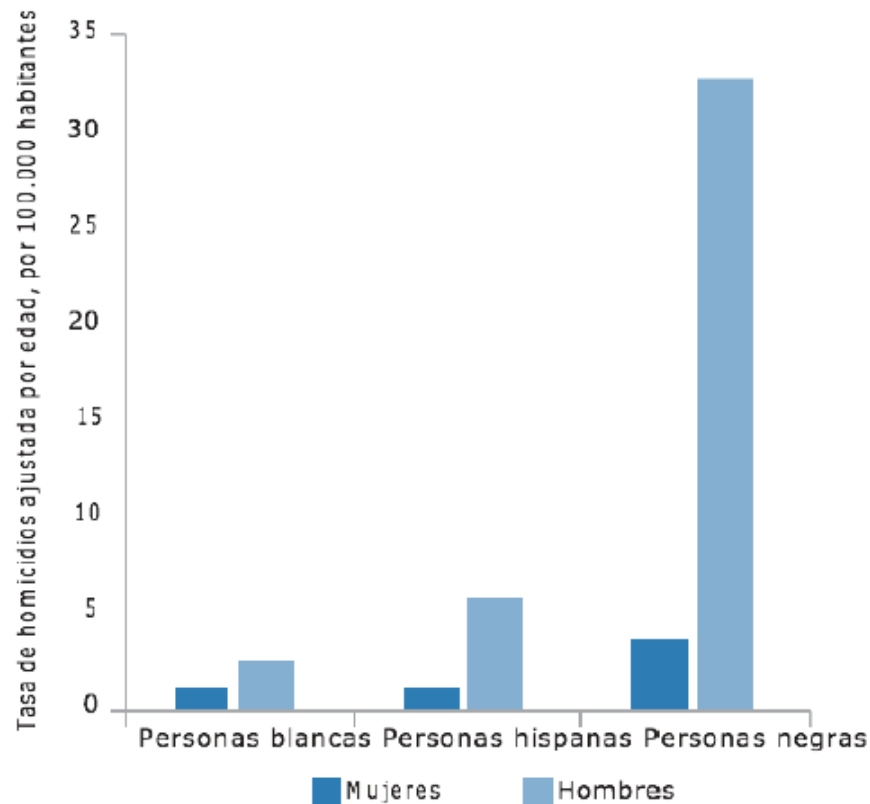
Fuente: Waiselfisz JJ. Homicides of children and adolescents in Brasil. Rio de Janeiro: Instituto Igarapé; diciembre del 2017. Se encuentra en https://igarape.org.br/wp-content/uploads/2017/12/2017-12-04-Homicide-Dispatch_4_EN.pdf.

Note. Figure took from *Just Societies: Equity in Health and Dignified Life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. The Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas (2019, p. 186).

- In the **United States**, the age-adjusted homicide rate in 2015 was 32 per 100,000 for black men, about 16 times higher than white men (2 per 100,000) and five times higher than Hispanic men (6 per 100,000).

Figure 4

Proportion of homicide victims by ethnic group and sex, United States of America, 2015



Fuente: Oficina del Censo de Estados Unidos. Survey on sexual violence [Internet]; 2017. Se encuentra en <https://www.census.gov/econ/overview/go2700.html>.

Note. Figure took from *Just Societies: Equity in Health and Dignified Life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. The Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas (2019, p. 186).

- In **Cali, Colombia**, for example, it is estimated that the percentage of violent deaths of Afro-descendant men between 15- and 19-years old climbs up to 80%.⁸⁴

84 Urrea-Giraldo, F.; Bergonzoli-Pelaez G.; Carabalí-Hinestroza, B.; and Munoz-Villa, V. (2015). Comparative mortality patterns between the Afro-descendant population and the white-mestizo population for Cali and Valle. CS Magazine, (16), 131-67. <https://doi.org/10.18046/recs.i16.1961>

- In terms of police violence, racial profiling practices by law enforcement are not a recent phenomenon in Colombia.⁸⁵ Between 2019 and 2020, Ilex Acción Jurídica carried out a study on the dynamics of police abuse in the towns of Usme and Kennedy in the city of Bogotá, in which it was determined that “an Afro-Colombian person is more likely to be fined than a white/mestizo person, particularly Afro-Colombian informal vendors. Additionally, racial profiling in the imposition of corrective measures is concentrated on people with the darkest skin tone. On the other hand, people of the darkest shades are 2.67 more likely to interact with the police and 2.57 more likely to be arrested, taken to a restricted area, fined, or searched.”⁸⁶
- In the framework of the national protests of 2021, the study *The Traces of Racism: Voices of Excluded People and Structural Violence Inside and Outside of the Social Outburst in Cali* reported that “According to the CODHES database, the Commission for Life and the Humanitarian and Social Table 2021, from April 28 to October 16, 488 cases of violence have been registered in the framework of the 2021 national strike in Cali. 53.1% of the recorded violence has been by the police. Likewise, the use of weapons that violate international standards in the framework of the 2021 national strike protests by the public force is identified as a pattern. Of the total of 488 cases, the most affected age groups have been 18 to 24 years old and 13.3% of this violence has been against people of African descent with 64 registered cases, of which 20 were committed by the police, which shows a pattern of violence against young people in the city.”⁸⁷
- **Imprisonment.** The **United States** is home to 25% of the world's prison population. Of these, around 40% are Afro descendants.⁸⁸

85 Black Communities Process, et al. (2021). *Report on effects on black people of African descent in Colombia in the framework of the National Strike*. <https://renacientes.net/blog/2021/06/11/informe-afectaciones-a-pueblo-negro-afrodescendiente-en-colombia-el-marco-del-paro-nacional/>

86Ilex Legal Action. (2020). *Police abuse and racial discrimination towards Afro-descendants: Case study in the towns of Usme and Kennedy in Bogotá DC*. Ilex Legal Action, p. 7. <http://ilex.platinoweb.com/wp-content/uploads/2022/03/Abuso-Policial-Final-web.pdf>

87Institute on Race, Equality and Human Rights, et al. (2022). *Traces of Racism: Voices of Excluded People and Structural Violence Inside and Outside the Social Outburst in Cali*. Institute on Race, Equality and Human Rights [Race and Equality] and Consultancy for Human Rights and Displacement [CODHES], p. 52. <https://raceadequality.org/wp-content/uploads/2022/04/Informe-Huellas-del-Racismo-.pdf>

88Commission of the Pan American Health Organization on Equity and Inequalities in Health in the Americas. (2019). *Just societies: equity in health and dignified life. Report of the Pan American Health Organization*

Table 1

Incarceration rates in the United States of America, by race/ethnicity, 2016

Raza o grupo étnico	Porcentaje de la población de Estados Unidos	Porcentaje de los reclusos de Estados Unidos	Tasa nacional de encarcelamiento (por 100.000)
Blancos	64%	39%	450
Hispanos	16%	19%	831
Negros	13%	40%	2.306

Fuente: Wagner P, Sawyer W. Mass incarceration, the whole pie 2016. Prison Policy Initiative [Internet]; 2016. Se encuentra en <https://www.prisonpolicy.org/reports/pie2016.html>.

Note. Table took from *Just Societies: Equity in Health and Dignified Life. Report of the Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas*. The Pan American Health Organization Commission on Equity and Inequalities in Health in the Americas (2019, p. 191).

61. According to a study prepared by CEPAL, “the emergence of COVID-19 and the different measures to control the spread of the virus have deepened some of these gaps and inequalities and have accelerated the digitization of labour markets, transforming, generating, and destroying jobs. It is important to analyse and anticipate the impact these technological transformations will have on labour markets, particularly on the employment conditions of Afro-descendant workers. This, in order to design and implement labour and social strategies that allow taking advantage of new opportunities and increase the general well-being of the population, reducing historical inequalities and exclusions.”⁸⁹ Below are relevant data on the future of work for people of African descent, which are concluded from the study carried out by CEPAL:

Commission on Equity and Inequalities in Health in the Americas. Pan American Health Organization [PAHO], p. 191. <https://iris.paho.org/handle/10665.2/51615>. P.191.

89Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL], p. 7.

i. Acceleration of digitization processes during the pandemic

- “The Afro-descendant population has less access than non-Afro-descendants in the six countries where it was possible to collect this information. In all the countries, the ethnic-racial gaps in access exceed ten percentage points, highlighting the situation in Brazil, where the gap exceeds 20 percentage points, and the situation in Peru, where less than a quarter of the Afro-descendant population has Internet access in your home. The acceleration and deepening of digitization processes during the pandemic have highlighted the magnitude and seriousness of the existing digital gaps, while at the same time accentuating some processes of exclusion.”⁹⁰

ii. Increase in unemployment rates

- In Brazil, Colombia, Ecuador, and Uruguay, “in 2020, the unemployment rate of the People of African Descent remains higher than that of the non-Afro-descendant population. Considering the relative situation of the Afro-descendant population, the situation in Uruguay stands out in negative terms, since the absolute and percentage increase in the unemployment rate compared to 2019 was considerably greater in the Afro-descendant population than in the non-Afro-descendant population.”⁹¹

iii. The increase in unemployment among young people of African descent

- “Similarly to what happens in the population over 15 years of age, in (...) [Brazil, Colombia, Ecuador, and Uruguay] (...) the ethnic-racial gap in the unemployment rate harms the Afro-descendant population, being Uruguay is the country that exhibits the largest gap, which is strongly influenced by the situation within the female population. Although all population groups experienced an increase in unemployment, this increase was, in general, greater in the young non-Afro-descendant population than in the Afro-descendant population, except for the female population of Uruguay and Brazil, where both indicators of change show a more disadvantaged situation for young Afro-descendants compared to non-Afro-descendants.”⁹²

90Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL], p. 59.

91Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL], p. 60.

92Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL], p. 62.

iv. Changes in the labour participation rate

- “When analysing the ethnic-racial gaps, it is observed that only in Brazil the drop in labour participation is greater in both men and women of African descent (with respect to their non-Afro-descendant peers), while the opposite occurs in Peru (in where the greatest drop in the rate of labour participation is observed in non-Afro-descendant women). Regarding the gender gap, both in Brazil and Colombia, as well as in Peru, the drop in female labour participation was greater than that of men. However, only in Brazil was it greater among Afro-descendant women than non-Afro-descendant women, and the opposite occurs in Ecuador and Uruguay. What is happening in Ecuador and Uruguay is striking, where Afro-descendant women are the only group of the population when controlling for ethnic-racial conditions and sex that does not decrease their labour participation rate between 2020 and 2019. This suggests that in these countries, women found fewer restrictions to play their role as income providers during times of crisis or economic shocks”.⁹³

V. CONCLUSIONS

62. The International Agenda for People of African Descent contemplates a range of issues, some of which have been addressed in a general way in this document. Such matters deserve to be the subject of more detailed analyses that, in addition, incorporate information about the main strengths and opportunities available to the Social Movement of Afro-descendants and other interested parties in the perspective of a decalogue or minimum agenda in favour of the said community.

63. The consideration “of preparing a United Nations declaration on the promotion, protection and full respect for the human rights of People of African Descent” constitutes the main task that the United Nations General Assembly has requested of the Permanent Forum on People of African Descent ([A/RES/75/314](#)). Said declaration has the potential to become the catalyst for the historical demands of People of African Descent, including reparation for the events of the past, as well as other issues relevant to the agenda of Afro-descendants, such as the issue of racial profiling and algorithmic bias.

93Holz, R., Huepe, M., and Rangel, M. (2022). *The future of work and the People of African Descent in Latin America in the framework of COVID-19 and the transformative recovery with equality*. Project Documents (LC/TS.2022/81), Economic Commission for Latin America and the Caribbean [CEPAL], p. 66.

64. The draft instrument proposed as a strategy on the path towards an eventual Afro-descendant Decalogue incorporates the preliminary observations of the exploratory consultation carried out with key actors, including Afro-descendant leaders and those linked to the academy and two members of the Establishment of the Permanent Forum of People of African Descent. They agreed on the importance and relevance of promoting the agreement of an Afro-descendant decalogue. Likewise, the relevance and effectiveness of the use of an online consultation tool to advance this purpose was verified, including with a view to the International Declaration on the Rights of People of African Descent and the funds constituted or proposed for the recognition, justice, and development of People of African Descent, in terms of historical reparation.

65. **Final note:** For additional information on the important steps that should be considered to strengthen the UN mechanisms and for greater coordination of efforts to advance the agenda of the People of African Descent, please consult the [document prepared](#) for Panel 2: “The Permanent Forum as an Accelerator Towards Recognition, Justice, and Development” within the framework of the Africa-African Diaspora Dialogues meeting, on Recognition, Justice, and Development: “Shaping the Present for the Future we want” at the University of the West Indies, UWI, Barbados, May 12-13, 2022.