



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

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## Committee on the Elimination of Racial Discrimination Seventy-eighth session

### Summary record of the 2081st meeting

Held at the Palais des Nations, Geneva, on Monday, 7 March 2011, at 3 p.m.

*Chairperson:* Mr. Calí Tzay (Vice-Chairperson)

*Moderator:* Mr. Prosper (Vice-Chairperson)

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*The meeting was called to order at 3.10 p.m.*

**Thematic discussion: Racial discrimination against people of African descent**

*(continued)*

1. **The Chairperson** invited the participants in the thematic discussion to continue their consideration of racial discrimination against people of African descent, a topic that was of vital importance for the Committee's work.
2. He invited Mr. Prosper, Vice-Chairperson of the Committee, to moderate the discussion.
3. **Mr. Prosper** (Moderator) said that the historical and current context of the topic under discussion was also of great importance to the international community as a whole. He thanked Mr. Murillo Martínez, who had moderated the earlier part of the discussion, for sharing his views on the topic with the Committee and for offering it useful guidance.
4. He invited the Committee to take up the next sub-item on its programme.

*Current socio-economic situations and issues of social inclusion relating to people of African descent*

5. **Mr. Quesada** (Regional Director for Latin America, Global Rights) said that Global Rights was an international non-governmental human rights organization based in the United States. Its programme for Latin America focused on racial discrimination against people of African descent.
6. The Regional Conference of the Americas held in Santiago in December 2000 to prepare strategies for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001 had been a watershed in the movement of people of African descent. Activists claimed that they had begun the Conference as "blacks" and left as "people of African descent". Considerable progress had also been made in the aftermath of the Conference. Latin America had been ranked first in an assessment undertaken at the 2009 Durban Review Conference of progress in implementing the Durban Declaration and Programme of Action. For example, there were now three ministries in the region — in Brazil, Ecuador and Honduras — that specialized in action against racial discrimination. There were also specialized national institutions in Argentina, Guatemala, Mexico, Nicaragua, Panama and Venezuela.
7. Countries such as Colombia had enacted sound legislation in support of people of African descent, but major problems had been encountered in its implementation. Although statistically reliable data were lacking, it was estimated that between 240 and 260 million people of African descent lived in the Americas. Approximately one third of the total were still affected by structural problems that impeded their equitable access to health, education, employment and other basic facilities. They were also overrepresented in criminal proceedings and underrepresented in all decision-making authorities.
8. Generally speaking, there was a discernible relationship in the countries of Latin America between race, poverty and violence. In other words, people were poor because they were black and hence more susceptible to violence both within their own communities and at the hands of public officials. Maps showing areas of extreme poverty tended to correspond to areas inhabited by people of African descent or indigenous communities, for instance the favelas or shanty towns in Brazil and the cities of Buenaventura in Colombia and Colón in Panama. Most States attributed such poverty solely to class-related factors and ignored the racial dimension.
9. There was evidence of inequitable treatment throughout the criminal justice system, from the time of arrest until a final court judgement. The media and the authorities were

heavily influenced by racial stereotyping. Although surveys incorporating ethnic variables had recently been conducted in Panama, Brazil and Argentina, they had not led to adjustments in anti-poverty policies or to action against the social exclusion of people of African descent, who therefore tended to reject the surveys as pointless.

10. No attempt had been made in the region to examine the root causes of racial prejudice and stereotyping and to tackle them by means of education. Diverse and inclusive educational action involving indigenous communities and communities of African descent was essential from primary school onwards. According to one theory, differences could constitute a threat to national security. Another argument was that since all citizens were equal, there were no calls for diversification of curricula or adjustments to include communities of African descent.

11. Although collective rights had been recognized by Colombia, Ecuador, Guatemala, Honduras and Brazil, the extent to which they were exercised in practice depended on the needs of the States concerned. Moreover, communities were rarely consulted about issues such as land ownership.

12. The definition of affirmative action was a matter that called for serious discussion. The countries of Latin America currently applied about 15 different definitions of the concept. Many countries had established special educational centres, including at university level, as part of their affirmative action policy. Spanish-language education was being offered, for example, to the Garifuna people without taking their own culture and language into consideration.

13. He would conclude by making a number of recommendations. While there had been many interesting initiatives to mark the International Year for People of African Descent, civil society organizations viewed them as unduly piecemeal and isolated. It was essential to arrange for permanent collaboration between United Nations bodies and regional bodies such as the Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination, a subsidiary body of the Inter-American Commission on Human Rights. The Inter-American Court of Human Rights had already issued a series of rulings concerning people of African descent, focusing in some cases on racial discrimination. He assumed that the European Court of Human Rights had also adopted relevant decisions.

14. The collection of reliable data was essential. States should be urged to persuade communities that population surveys would be conducive to improvements in their living conditions.

15. Structural changes were required in education systems. Colombia had introduced “ethno-education”, but only for people of African descent and indigenous communities instead of for the population as a whole.

16. He recommended that the Committee should hold a day of thematic discussion on affirmative action, at which States parties would present and discuss their various definitions.

17. **Mr. Prosper** noted the importance of ensuring that the concept of self-identification was taken into account in censuses and surveys.

18. The second panellist, representing the Economic Commission for Latin America and the Caribbean (ECLAC), would be addressing the Committee direct from Santiago, Chile, by videoconference.

19. **Ms. del Popolo** (Population Division, Economic Commission for Latin America and the Caribbean) said that the Population Division of ECLAC had undertaken a number of activities concerning people of African descent and indigenous peoples, focusing on ethnic and racial identification, data sources, living conditions, and the production and

dissemination of disaggregated data. Technical assistance was also being provided to Latin American countries.

20. Launching a PowerPoint presentation, she said that structural discrimination was a common denominator throughout Latin America. Although some progress had been made on the legal and political fronts, people of African descent were afflicted by high levels of poverty and social exclusion. That community had recently engaged in political and social activism, creating a large number of organizations and forging links at the local, regional and national levels. They represented diverse interests, including those of farmers, young people and academics, and also covered gender issues. However, the overriding aim consisted in promoting and defending the rights and interests of people of African descent.

21. ECLAC had been entrusted since 2004 with a series of mandates relating to such issues. It had taken steps to encourage the incorporation of an ethnic and racial approach in population censuses and other data collection procedures in response to requests for information from a variety of sources, including organizations of people of African descent in Latin America. Disaggregated data were a valuable tool for policy development and the promotion of human rights. During the first decade of the century, 17 countries in the region had included questions concerning ethnicity in their censuses. The main aim, however, was to identify indigenous peoples; only eight countries had requested data on people of African descent. The same applied to household and health surveys. Brazil was the only country to disseminate health data concerning people of African descent.

22. Some methodological and conceptual issues pertaining to statistical data were still under discussion at the regional level. No agreement had been reached, for example, on the distinction between ethnicity and race, and the criterion of self-identification was not applied in some countries. Semantic problems relating to the formulation of questions also persisted. However, progress was gradually being made. Thus, at least four additional countries had requested data concerning people of African descent in their most recent censuses.

23. ECLAC had developed a database on indigenous people and people of African descent. It contained all available demographic information and data concerning immigration, health and employment. ECLAC had also assisted members of organizations of people of African descent and of indigenous organizations in using the database. She drew attention to an interesting initiative on the part of the Colombian authorities, who had urged universities and organizations of people of African descent to analyse and use census data.

24. ECLAC studies had highlighted major inequalities in the right to health and reproductive rights, especially for people of African descent. Although the data were fragmentary, they indicated that infant mortality rates were higher for people of African descent in most countries. They also recorded higher fertility rates and lower levels of family planning. According to local studies, especially in Brazil, women of African descent had greater difficulty in obtaining access to antenatal and post-natal care. Similar problems were encountered in the case of immunization and treatment of child respiratory and parasitical diseases. Pregnancy under the age of 18 was common among young women of African descent, a fact borne out by figures for Brazil, Costa Rica and Ecuador.

25. Ethnic inequality was also pronounced in education, especially at higher levels, a phenomenon that was aggravated by gender differences. The resulting structural and economic discrimination had a major impact on young people's physical and mental health. Those who obtained employment were paid lower wages and in some cases subjected to inhuman conditions. Some countries, such as Costa Rica and Nicaragua, recorded more favourable educational figures for young people of African descent, but they did not

translate into access to high-quality employment. The gap was even wider if the figures were examined from a gender perspective.

26. To sum up, action to safeguard the rights of people of African descent depended on the timely availability of high-quality data. The production and analysis of relevant data should therefore be institutionalized in national statistical programmes, and representatives of people of African descent should participate in all stages of the data collection process. Another major challenge consisted in developing complementary statistical indicators of collective rights. Her Division was working on projects in all those fields.

27. ECLAC studies confirmed that inequalities persisted in Latin America between people of African descent and the rest of the population. National authorities must therefore develop policies to tackle racial and structural discrimination. Their analyses should take into account the historical, territorial and cultural context and the gender perspective. The participation of people of African descent in the development of policies and programmes was a *sine qua non* for their success.

#### *Women of African descent*

28. **Ms. Shepherd** (Working Group of Experts on People of African Descent) said that women of African descent in the Commonwealth Caribbean — a region that had been and in some cases still was colonized by Britain — had struggled against racial and gender discrimination and for rights and respect. While Caribbean societies had made much progress since being fractured by conquest, colonization, enslavement and imperial domination, much remained to be done in order to achieve true recognition, justice and development. The societies that had been built on slavery had been characterized by thoroughly entrenched race and gender oppression, but Caribbean women had developed a revolutionary spirit as a result. In ex-colonial societies, issues of freedom, human rights, restorative justice, citizenship and self-determination had had to be settled by rebel men and women before the issues of feminism and women's rights could form a part of national, regional or global anti-colonial discourse.

29. In order to understand contemporary women's movements and feminism, it was necessary to examine previous waves of activism dating back centuries. In those days rebel women in the African Atlantic had used a variety of strategies to eradicate, or at least destabilize and subvert, systems of domination, especially after the mid-seventeenth century when, on both sides of the Atlantic, slavery had become a more deeply entrenched, restrictive and brutal institution, with fewer possibilities of legal freedom for the majority. In fact, anti-slavery had helped the feminist movement, as free women had seen in slavery parallels with their own oppression based on gender, which had helped them develop arguments for female emancipation.

30. In order to understand the conditions that had so outraged women of African descent in the Caribbean, it was necessary to go back to the fifteenth century. At that time, six European nations had imposed structural discontinuities on indigenous American societies, importing and subjugating white servants from Europe after they had decimated the "first nations", and kidnapping, transporting across the Atlantic and enslaving millions of African men and women. As part of the colonial and imperial imperative, the Europeans had constructed a racialized society where people of African descent had been deemed inferior and people of European ancestry superior. Skin colour had become a critical social signifier according to which people had been graded. The brutal methods employed to impose white supremacy while extracting forced labour from the majority of people had included rape and other forms of violence, economic exploitation, psychological control, racial denigration and textual misrepresentation. Colonizers had developed negative stereotypes about the designation of "African" and laid the groundwork for the current legacies of

slavery that remained so evident in the contemporary Caribbean, even in the tourist industry where so many workers were women.

31. Given the exploitative, cruel and racist nature of slave society, resistance had been inevitable but that fight had never been a male preserve. Black women had been present in all aspects of the anti-slavery movement as non-violent protesters, strategists in armed revolts, Maroons, leaders in areas of social culture and mothers. Their diverse freedom strategies had functioned at the core of community survivalist culture. The efforts by post-emancipation regimes to perpetuate the actions and mentalities of slavery and further the subordination of women had been resisted. During that period, Caribbean women had continued to struggle to eradicate and dismantle political structures of imperialism, in the process reclaiming and reconstructing the indigenous, African and Creole experience. Those women's revolutionary ideology had clearly been anchored in their experience and in their sense of what had become a derided and emasculated ancestral culture. Black working-class women had had no intention of conforming to the Victorian gender order that had sought to confine women to the private sphere of uncompensated labour in the home and promote the ideology of the male breadwinner. The attempts by Britain to prolong its influence in the region had also been met with labour protests and involvement in the independence movements. That passion to outlaw gender and race discrimination continued today.

32. The fight for rights, dignity and racial respect had largely been won by women in the Commonwealth Caribbean. However, worrying challenges persisted, particularly for those who had emigrated to the region since the nineteenth century, making multi-ethnic societies the norm. Especially in Belize, Guyana, and Trinidad and Tobago, and to a lesser extent in Jamaica and Suriname, the failure of societies to accept differences in culture in an egalitarian way instead of hierarchically had led to ethnic tensions and racial discrimination against black people, including women. In other respects, racism manifested itself in classism and colourism, leading to the dangerous practice of skin-bleaching. In addition, women of African descent worldwide faced challenges such as domestic violence, human trafficking and structural inequalities which provided the backdrop for the daily struggles of women in the Caribbean. The multiplicity of structural barriers to equality had important human-rights and gender-equality implications.

33. On the eve of the one hundredth anniversary of International Women's Day, she paid tribute to Caribbean women, outspoken defenders of democracy, justice, human rights and development, and to all the declared and undeclared feminists who worked for gender justice, firm in the belief that women's rights were human rights. Women had clearly played a fundamental role in Caribbean liberation and in the struggle against racial discrimination.

34. **Ms. Mbiye Diku** (Black European Women's Council) said that the Council was an umbrella NGO made up of 30 organizations of women of African descent in 18 European countries. It had been set up in 2007, the European Year of Equal Opportunities for All, to provide a pan-European structure to tackle the challenges posed by national borders in terms of participation and resources. It had been officially launched in Brussels in September 2008, when over 150 women of African descent had had the opportunity to meet with members of several key bodies, including the European Parliament, the European Commission, the European Network of Equality Bodies and the European Women's Lobby. The Council acted as European spokesperson in cases of racial and gender discrimination.

35. Black European women faced several challenges to their enjoyment of fundamental rights, equal opportunities, access to resources and the need to eliminate negative stereotypes. The Council aimed to provide a positive, participatory model for the second and third generations of women of African descent. It had produced two publications — the report of the Vienna Congress in 2007 at which it had been founded and "Voices of Black

European Women” — which had shown the extent to which the direct participation of black women could change the image that the media and European institutions had of women of African descent. In order to combat paternalism within the European institutions and NGOs, the Council had focused on women’s empowerment and capacity-building, providing training courses and leadership that would enable the black community to play a key role.

36. Data clearly demonstrated that gender discrimination made migration more difficult for women than men. The populations of many refugee camps were composed mainly of women, and many women, particularly those trying to emigrate from Africa, found themselves resorting to or being forced into prostitution in order to reach Europe. In Europe, the qualifications of many women of African descent were not recognized and the women ended up becoming domestic workers, often facilitating European women’s right to work in the process. In order to truly integrate women of African descent in the EU, European society should combat such discrimination and exclusion. Women of African descent were an economic resource in Europe, and it was important they were recognized as such, even when they did not enjoy the right to work at the level for which they were qualified. Women of African descent also constituted a cultural resource, adding to the cultural diversity of the EU. In demographic terms, they were an important resource as their fertility rates were higher than those of European women. In general, they were also more willing to fight for sociocultural change since they had more to gain from any improvements than most of the population.

37. The Council welcomed the opportunity to gain access to the work of the Committee and called for better access to all international and European institutions. It also needed more resources, as even modest research projects required tools it did not yet have at its disposal. In addition, it urged international institutions to call for NGO participation in the research projects they requested of their member States. Moreover, when States submitted so-called integration projects, international organizations should check to see whether relevant NGOs had participated in their preparation.

*People of African descent of more recent migration from Africa*

38. **Ms. Teklu** (African-Canadian Legal Clinic) said that Canada’s integration policies were currently ranked third in the world, owing in part to government efforts to recognize the credentials of foreign-trained professionals and to additional education measures. However, the majority of Canada’s immigrant population was of European and Asian descent; the same level of integration had not been achieved by immigrants of African descent. For them anti-black racism and systemic discrimination were reflected in unemployment, underemployment and wage disparities, which were the norm.

39. Racialized people were much more likely to be unemployed than those of European background, even when educational attainment was taken into account. Higher education did not translate into comparable labour market access or workplace mobility, and a 2011 study had shown that black Canadians were paid on average less than white Canadians. Second-generation blacks faced a wage gap of about 10 to 15 per cent compared with “non-visible minorities”, even when data had been controlled for education and residential location.

40. Racialized workers were most likely to be in low-status jobs and made up only 3 per cent of executives and 1.7 per cent of board directors. The underrepresentation of “visible minorities” in general and African-Canadians in particular suggested that even where people of African descent were able to obtain employment, they faced problems with retention and promotion. Employers often refused to promote African-Canadians with the requisite qualifications and work experience purely on the basis of stereotypes of people of African descent.

41. In 2006, less than a quarter of employed foreign-educated, university-level immigrants had been working in a regulated occupation that matched their field of study, compared to 62 per cent of their Canadian-born counterparts. In May 2007, Canada had instituted the Foreign Credentials Referral Office to help internationally trained people who planned to work in Canada to have their credentials assessed and recognized more quickly. While some progress was being made, statistics revealed significant disparities in the workforce integration of African educated immigrants. Disaggregated data based on race were needed in order to determine whether the benefits of the Government's progressive policies extended to the Afro-descendant community.

42. Between 1981 and 2001, the number of impoverished immigrants living in Toronto had grown by 125 per cent. Some 39 per cent of Toronto-based families living below the poverty line were of African descent and 22 per cent were of Caribbean descent. In Montreal, African-Canadians had the highest poverty rates of all the "visible minority" groups. Approximately half of the African-Canadian population was categorized as low-income. The effects of poverty among the newly arrived African-Canadian community were felt in the areas of food security, health, education, safety and security.

43. A growing concern for African-Canadians was the increasing "ghettoization" of immigrant settlement communities, with newcomers forced into inadequate, unsafe or unclean housing on arrival in Canada. In December 2010, the federal Government had announced plans to cut the amount of funding for immigrant settlement services by approximately \$53 million, despite the fact that newcomers relied on those services to facilitate access to the labour market, housing, health services and job-related training, including language training. The Government had also announced plans to increase the number of family reunification visas that would be accepted in 2011, which was a significant improvement but did not come close to meeting demand.

44. In August 2010, the 492 Sri Lankan passengers on the *Sun Sea*, a migrant ship that had arrived off the coast of Vancouver, had immediately been detained. Several months later, many of them had continued to be deprived of their fundamental right to freedom, despite the fact that almost all of them had proved that they risked being killed if they returned to their country of origin. Their treatment was indicative of a move towards the criminalization of immigrants, as had been seen in Australia and a number of European countries. Indeed, a Government-sponsored bill currently under consideration would expand the authorities' powers to detain some refugee applicants for long periods and to keep some refugees in long-term limbo by denying them, for five years, the right to apply for permanent residence and therefore to reunite with their children.

45. Similar mistreatment was experienced by countless refugees of African descent in a number of European States. As a result, many refugees had no choice other than to use irregular entry, increasingly at the hands of smugglers, and were often perceived as "illegal" and therefore criminal. The systematic use of detention was a violation of the fundamental rights of asylum-seekers and often singled out specific nationalities or ethnicities. That dangerous trend also involved restrictive immigration policies, increasingly narrow interpretations of government obligations to protect refugees, migrants' resulting reliance on clandestine means and the deliberate association of migration with criminality. As international organizations had concluded, those tendencies encouraged and condoned xenophobic hostility and violence.

46. The Government seemed to believe that it had done enough by repealing overtly discriminatory legislation and introducing numerous progressive policies and legislative instruments. However, it was imperative that meaningful, disaggregated race-based data were collected, but the mandatory requirement for Canadians to self-identify with respect to race had been removed from the census. That would inevitably make it more difficult to establish the disadvantaged positions minority groups occupied and to demand the services



needed to find a remedy. Likewise, it was difficult to justify the need for social and economic programming without the statistics to support such a need. In many countries like Canada, measures were being taken to fight racism, but at the same time efforts were also required to prove that it existed.

47. **Ms. Edwards** (Department of International Protection, UNHCR) said that the escalating conflict in Libya had highlighted the predicament of many migrants and refugees across Europe, given their vulnerability to discriminatory practices such as detention, denial of the right to work, unfair wages, and even attacks and violence. Consequently, UNHCR had made combating racism, xenophobia and related forms of intolerance against refugees, asylum-seekers and stateless persons one of its main priorities.

48. UNHCR had identified racial discrimination and xenophobia as the root causes of persecution leading to displacement and statelessness. Both the right to seek and enjoy asylum and the right to non-discrimination must be upheld in order to prevent statelessness. Moreover, such discriminatory practices were a bar to the integration of asylum-seekers and refugees into society in their host countries. UNHCR had also noted that the conflation of refugees with irregular migration had allowed Governments to replace the language of obligation with the language of discretion.

49. Racism and xenophobia had given rise to more restrictive asylum policies with regard to access to procedures, the extended application of exclusion clauses, increasing rates of detention and attempts to apply exceptions to the principle of *non-refoulement*. Furthermore, refugees often encountered difficulties in asserting their economic and social rights, such as access to the labour market, and were often denied or deprived of a nationality, which led to statelessness and to the perpetuation of the discrimination against stateless people. UNHCR had noted the reluctance of some States to facilitate local integration and had encountered greater difficulties in finding resettlement countries. It noted with concern the upsurge in violence against asylum-seekers and refugees and the restrictive laws, policies and practices that perpetuated the stigmatization of those groups.

50. In addition to its contribution to the Durban Declaration and Plan of Action and to the Durban Review Conference, UNHCR's efforts to combat discrimination had included: the development of a strategy outlining seven elements for a strategic approach to combating racism; recognition of the risks facing urban refugees through xenophobic violence and other hate crime in its policy on refugee protection and solutions in urban areas and in the High Commissioner's Dialogue on Refugees in Urban Settings; the preparation of a cooperation agreement between UNHCR and the Tolerance and Non-Discrimination Department of the Office for Democratic Institutions and Human Rights; the holding of annual consultations with NGOs to strengthen the protection of asylum-seekers and refugees; and the coordination of activities with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

51. UNHCR had also contributed to the work of the Human Rights Council, the treaty monitoring bodies and special procedure mandate-holders, and had used their recommendations as advocacy tools. In addition, in 2011 it planned to organize a global round-table discussion on alternatives to immigration detention in conjunction with OHCHR. It had undertaken initiatives aimed at improving the situation of people of African descent in countries such as Costa Rica, South Africa and Italy.

#### *Interactive dialogue*

52. **Mr. Prosper** (Moderator) invited comments from participants. It would particularly be interesting to hear their views on the revolutionary spirit referred to by Ms. Shepherd.

53. **Ms. del Popolo** (ECLAC) said that the Commission's main counterpart in its work with people of African descent was a regional network comprising numerous Afro-Latin

American organizations. While they were united in the fight against discrimination, the focus of their activities varied from country to country.

54. **Mr. Quesada** (Global Rights) added that the official name of the network mentioned was the Network of Afro-Latin American, Afro-Caribbean and Diaspora Women. To date, Latin American women had been the standard-bearers of the Afro-descendant women's movement. In addition, in Brazil the Articulação de Mulheres Negras Brasileiras had played a key role in advocating the adoption of a statute on racial equality.

55. **Ms. Mbiye Diku** (Black European Women's Council) said that the black European women's movement had stemmed from the need for change in the face of insufficient national recognition. Women of African descent had played a fundamental role in the process of change that had forged the identity of the black European woman.

56. **Ms. Teklu** (African-Canadian Legal Clinic) said that, in Canada, second-generation African descendants appeared to have achieved more progress in the areas of academic achievement and representation in the job market than first-generation immigrants.

57. **Ms. McDougall** (Independent Expert on Minority Issues) said that the disaggregated data collected by ECLAC on Afro-descendant populations were essential in order to improve their situation. She wished to know the factors that had persuaded Latin American countries to actually respond to the appeal for disaggregated data and to learn why greater importance had been attached to the predicament of indigenous communities. She noted that the mechanisms for addressing the issues of indigenous communities tended to be more advanced than those meant for people of African descent. Of the 17 countries that had carried out a census since 2000, only 8 had targeted people of African descent. It would be useful to know the reasons for that situation, with a view to promoting the advancement of those people.

58. **Ms. del Popolo** (ECLAC) said that the inclusion of questions on people of African descent had only come about as a result of the pressure exerted by the Afro-descendant movement. Ordinarily, statistics institutes were reluctant to include such questions as ethnicity remained a sensitive issue in many Latin American countries. Moreover, it was believed that such questions could provoke further discrimination.

59. The institutionalization of data collection had been instrumental in encouraging participation in surveys. The hands-on involvement of civil society was the best way to improve the quality of data collection and, to that end, both Ecuador and Venezuela had established committees on Afro-descendant statistics with the support of Afro-descendant organizations. However, it was a question of not only including questions on people of African descent but also raising their profile at the national level through information campaigns, and of raising awareness through the training provided to those conducting the survey and their supervisors.

60. Indigenous communities tended to enjoy greater recognition than people of African descent since such recognition had been the result of 500 years of toil. Moreover, the participation of indigenous communities in discussions at the regional and national levels had allowed them to define themselves conceptually and express a preference as to their designation in data-collection initiatives.

61. Conversely, people of African descent did not enjoy the same level of conceptual clarity and their predicament was often conflated with the ongoing debate over the distinction between ethnic and racial groups. In some countries, that had led to the belief that issues concerning indigenous communities and people of African descent should be dealt with separately. Indigenous communities ultimately sought recognition as a people and not as an ethnic group.

62. The improvement of data collection would best be achieved by adopting a country-specific approach aimed at acknowledging the existence of people of African descent and at capturing the group's conceptual nuances.

63. **Mr. Quesada** (Global Rights) said that while questions on people of African descent had been included in the surveys, the overall structure of the surveys and the way in which they were conducted remained problematic. In Latin America, most surveys comprised more than 100 questions, of which only a small proportion referred to race. However, in the United States, similar surveys comprised only 10 questions and allowed adequate data to be collected on the immigrant population in any given area.

64. In Latin America, the lack of race-specific questions, the limited number of questions that could be asked and the fact that those conducting the survey tended to be unaware of the existence of those questions provided people of African descent with little opportunity to assert their identity. While one solution would be to instruct those responsible for the survey to ask race-specific questions, the perceived stigma attached to those questions must be taken into account.

65. Despite the difficulties encountered in the context of the OAS Draft American Declaration on Indigenous Peoples, it had served to encourage Governments to take steps to improve the situation of indigenous communities. The international community, including aid organizations, had only begun to take an interest in the predicament of people of African descent as a result of the World Conference against Racism and the pressure exerted by civil society.

66. **Mr. Calí Tzay** said that the first discussions on the situation of indigenous people within the United Nations had taken place in 1950s. During an expert meeting, a proposal to separate the issues of indigenous people from those of people of African descent had been rejected on the grounds that a holistic approach was required to ensure progress.

67. While great advances had been made in the fight against it, racism had taken on increasingly subtle forms. In countries where immigrants were not generally welcome, the prevailing tendency was to refer to immigrants as a homogenous entity regardless of their specific ethnic or racial character.

68. **Mr. Thornberry** said that the suggestion of establishing a new international instrument to address the problems facing Afro-descendant populations raised the issue of formulating human rights claims and the question which formulation would best advance the interests of the group concerned. In spite of the considerable progress achieved by indigenous people at the national and international levels, the establishment of a new range of specific mechanisms and the increase in their visibility, discrimination persisted.

69. There remained parts of the world where discourse was less welcome, met with more resistance and attracted fewer people to its cause. The same could be said of minority rights. The development of a new and effective frame of discourse would point to the inability of the existing human rights frame to capture the specificity of adjacent frames of reference or universal approaches. It would involve coupling an intellectual consensus to the specificity of experience, and would need political support. As to the question of self-identification, people of African descent would ultimately identify with the framework of rights that best defined them and that allowed them to effectively pursue their claims.

70. Before moving towards the formulation of new norms, the Committee should consider whether the existing normative and institutional structure of human rights could bear the load without breaking. It would continue to draw on the latent resources of the Convention, where there was ample scope to cover the discrimination of people of African descent, and on other human rights treaties.

71. It was hoped that a general recommendation would serve to reinforce the Committee's work. The recommendation needed to strike a balance between abstract universalism and attention to specifics. However, given the wide range of status and conditions in the African diaspora, the recommendation would inevitably be reductionist.

72. The recommendation should be practical and action-orientated but, given the divergent views expressed on some elements such as the difference between people of African descent and people of African origin, further discussion would be required to resolve terminological ambiguities. The recommendation should address issues such as: the definition of structural or institutional discrimination and how it would fit into the Convention frame of discrimination in intention and discrimination in effect; public and private reach; the need for genuine implementation; and the concept of models of practice. Other factors might include the role of history, the stimulus of the World Conference against Racism, the question of data and recognition, and the issue of visibility and invisibility. The recommendation could follow the contours of the Convention in terms of State action plans, affirmative action, hate speech and segregation while ensuring the widest possible variety of rights and freedoms. Practical concerns included racial profiling, civil service representation and access to public places. Women of African descent would be dealt with separately. While some nuances, questions of understanding and the role of other bodies warranted further discussion, a set of elements could be visualized as a basis for a draft recommendation.

73. The completed recommendation would be part of the Committee's normative apparatus for productive dialogue with States on certain concepts and on the measures they should adopt. The primary objective of the recommendation would be community outreach and the provision of a platform from which to better serve the interests of the victims, actual and potential, of discrimination.

74. **Mr. Avtonomov** agreed that it was important to take into account the differences between people of African descent and those of African origin. He also joined the Chairperson in warning of the dangers of differentiating between the aspirations of people of African descent living in Latin America and those of indigenous peoples. Each group might have specific concerns, but they also shared many problems. For a new general recommendation on people of African descent or origin to be useful, it needed to take into account such nuances, to be practical and to provide clear instructions on how best to implement the Convention. He was pleased with the attention paid to statistics during the thematic discussion and stressed the importance of good data collection in all areas of social and economic life in order to identify structural discrimination more accurately.

75. **Mr. Peter** said he had no doubt that slavery, albeit more refined than in the past, was still a problem today. Referring to the African diaspora, he wondered whether the brain drain from which Africa had long suffered could be reversed. The African Union's strategic plan for 2009–2012 looked at ways of engaging Africans of the diaspora in African development and he asked the panellists for their opinions on that idea.

76. **Ms. Mbiye Diku** (Black European Women's Council) said that certain prerequisites must be fulfilled before the African Union could hope to involve Africans of the diaspora in development. African States needed to democratize and create the political stability required to enable development. The African Union must do its part to restore dignity in Africa and achieve a minimum degree of credibility.

77. **Ms. Shepherd** (Working Group of Experts on People of African Descent) said that the idea of promoting involvement in African development was not new to people of African descent in Caribbean States; improving links between Caribbean and African States was desirable. However, serious obstacles must be removed before links could be intensified. Many African States still imposed visa restrictions on citizens of Caribbean

States, which was a source of deep resentment, and travel between the two areas was generally possible only via Europe.

78. **Ms. Crickley** agreed with Mr. Thornberry on the importance of establishing a clear framework within which to define a general recommendation. The declaration of the United Nations International Year for People of African Descent provided a unique opportunity for preparing such a recommendation. The advances made by indigenous peoples in the defence of their rights should not be a source of envy but rather serve as a model for other groups.

79. **Mr. Lindgren Alves** said that it was important to recall the origins of the Convention, which lay in the era of decolonization, international efforts to end apartheid in South Africa and the civil rights movement in the United States. People of African descent had thus been at the heart of concerns addressed by the Committee from the outset, something that even the Committee tended to forget as approaches to human rights issues had developed over the years. The Committee was capable of spending more time discussing the implementation of learning programmes in the languages of national minorities than on the plight of people of African origin. While applauding Mr. Thornberry's suggestions, he stressed that the Committee should not recommend the formulation of any new treaties.

80. **Mr. Moussa Iye** (United Nations Educational, Scientific and Cultural Organization) said that the history and culture of people of African descent were frequently ignored in the education systems of countries of which they were citizens. Courses on their history, however painful, and on the history of Africa should be part of national curricula. A law passed in Brazil making the teaching of African history mandatory for all Brazilians, not just those of African descent, was a step in the right direction.

81. **Mr. Prosper** (Moderator) said that, in some countries, people of African descent did not wish to identify themselves as such, leading to problems of discrimination within that group, for example between people of lighter or darker skin colour. He wished to know what members of the panel thought about that issue.

82. **Mr. Quesada** (Global Rights) said that he had found the problem of racial discrimination to be particularly acute in the Dominican Republic, whose inhabitants preferred to identify themselves as being of indigenous rather than African descent. As far as the Dominicans were concerned, the only people of African descent in the country were immigrants from Haiti or English-speaking Caribbean countries. Racial descriptions in the identity cards of Dominicans included the categories of light-skinned and dark-skinned indigenous persons but none for people of African descent.

83. A source of great ethnic tension in some English-speaking Caribbean States was the division between people of East Indian and African descent. When one of those groups won political power, the other was completely excluded from government. There were also divisions along the lines of skin colour among people of African descent in Jamaica. The Committee needed to pay closer attention to such issues.

84. **Ms. Shepherd** (Working Group of Experts on People of African Descent) said that she had already addressed the problem of pigmentocracy in her presentation, but it should come as little surprise that Governments in some post-colonial States perpetuated colonialist ideologies that ranked citizens according to their skin colour. Although important, that problem should not be allowed to divert attention from the key matters addressed by the declaration of the International Year for People of African Descent, which included issues raised in the Durban Declaration and Programme of Action and the global struggle for reparations.

85. **Ms. Mbiye Diku** (Black European Women's Council) said that the problem of discrimination between people of African descent could only be overcome through education. Who wanted to be identified with a losing group? People with a lighter skin colour could think of themselves as being closer to the dominant model represented by whites. In Europe, tests had been carried out with second-generation children of African descent in which they had been offered a choice between white and black dolls. They had chosen the white ones because advertising associated white people with success.

86. **Mr. Murillo Martínez** disagreed with Ms. Shepherd and expressed the hope that the International Year for People of African Descent would stimulate further study of the differences within the African diaspora. He had been greatly surprised when a group of countries led by Jamaica had opposed the declaration of the International Year for People of African Descent, arguing that the matter was for people of African descent alone to decide.

87. **Ms. Dah** (Rapporteur for the thematic discussion) underlined the importance of the day's discussion in the Committee's search for solutions to the problem of racial discrimination against people of African descent. The effects of trafficking in human beings and colonization continued to weigh heavily on them and recognition of their status as victims had finally come with the Durban Declaration and Programme of Action. Migration meant that even countries that had never been involved in trafficking or colonization were not immune to the phenomenon of racial discrimination against people of African descent, made all the more complex by the emergence of new forms of discrimination.

88. Summing up the day's discussion, she said that the need to broaden the definition of people of African descent to include those of African origin had been clearly established. All were victims of pernicious institutional, structural, direct and indirect discrimination. More attention needed to be paid to regional, cultural, historical and gender differences. In order to render people of African descent more visible, censuses must include questions on self-identification and the wider population needed to be made aware of those people's importance. Census methods needed improvement and other sources of data needed to be tapped. It should also be remembered that disaggregated data could be used to dissimulate certain situations. The need to recognize the collective rights of people of African descent had been underlined and data relating to those rights also needed to be gathered.

89. Turning to potential solutions, she said that people of African descent could themselves do much to improve their situation. A yawning gap separated international treaties and well-intentioned national legislation from their implementation, which tended to be problematic. International mechanisms should adhere more strictly to their own norms and work more closely together. There was also a need to involve victims more directly in inquiries and surveys. The implementation of measures proposed in the course of the day's discussion needed closer inspection when they came under review. Instead of generic policies aimed at all marginalized sectors of society, targeted policies calibrated to the needs of particular groups were required. States should be held accountable for their policies.

90. Referring to article 1 of the Convention and general recommendation No. 29, she said it appeared that a more refined concept of racial descent was needed to complement the notions with which the Committee had hitherto worked. Extending the definition of discrimination to the private sphere would render structural discrimination more visible. When analysing discrimination against people of African descent, general recommendations Nos. 27, 29, 30 and 31 needed to be taken more closely into account. In that context, it had been suggested that cooperation between the Committee, regional organizations, other United Nations bodies and States parties should be improved. It appeared that the proposal to draft a new general recommendation on discrimination against

people of African descent had unanimous support and many suggestions for its content had already been made.

91. Much had been achieved in the course of the day's discussion. The Chairperson had suggested that the road ahead would be long but it was to be hoped that people of African descent would not need another 40 or 50 years in order to emulate the human rights achievements of indigenous peoples.

*The meeting rose at 6.10 p.m.*