



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the UN Commission on Human Rights  
62nd Session and Human Rights Council 2<sup>nd</sup> Session

### The Working Group of Experts on People of African Descent<sup>1</sup>

Chairperson

Peter Kasanda

Mandate

The Working Group, made of five experts from different regions of the world, was established under the Durban Programme of Action to study the problems of racial discrimination faced by people of African descent. The Working Group makes proposals for the elimination of this type of discrimination, focusing on access to justice, improvements to their human rights situation, initiatives at the community level, allocations of additional investments in different services intended for people of African descent, and affirmative action programs.

Activities

- Mission to Belgium.

Annual Report<sup>2</sup>

### Scope

The Working Group holds a five day session every year under which it examines specific themes. The report presents the debates and recommendations on the themes that were discussed as well as modalities as to the Working Group's programme of work.

### Summary and key conclusions

**General Statements:** The Working group was commended for its initiative to undertake country visits; attention was also called to that fact that very little had been done in the implementation of the recommendations of the Durban Declaration and Programme of Action.

#### **Thematic analysis and discussion:**

At its fifth session, the Working Group examined the following themes: mainstreaming the situation of people of African descent in plans for achieving the Millennium Development Goals; the empowerment of women of African descent; the role of political parties in the integration of people of African descent into political life and decision-making processes. The main issues discussed under these themes were:

- **Mainstreaming the situation of people of African descent in plans for achieving the Millennium Development Goals:** necessity of a rights-based approach; inclusion of statistical information disaggregated by sex and ethnicity; specific/higher targets for people of African descent for each Goal; consistency of the Millennium Goals and the Durban Declaration; necessity of affirmative action programs;
- **Empowerment of women of African descent:** multiple forms of discrimination; affirmative action with emphasis on education and poverty; importance of disaggregated data; political participation;

<sup>1</sup> Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

<sup>2</sup> *Report of the Working Group of Experts on People of African Descent on its fifth session*, E/CN.4/2006/19, 6 December 2005.

interdependence of gender equality and achievement of Millennium Goals and aims of Durban Declaration; need for gender-sensitive policies and indicators;

- **Role of political parties in the integration of people of African descent in the political life and in decision-making process:** need to extend Afro-descendants' political participation; impact of the presence of extreme right-wing parties in Europe; need to dialogue with diasporas of Afro-descendants; need for studies on electoral systems improving representation; need for internal monitoring machineries; automatic voter registration programs; anti-racism education;
- **Possible modalities of action:** The importance of country visits was stressed as well as the need to reorganize the future agenda to reflect findings from these visits. The Working Group also decided to operationalise its analytical approach by developing guidelines on good practices. A three-year program of work was discussed.

### Key Recommendations

- States and the Working Group should collect reliable **disaggregated data** by sex and ethnicity;
- States should take into account the **gender-related dimensions** of racial discrimination;
- States need to develop **affirmative actions** accompanied by strong **monitoring** and **evaluation mechanisms**;
- The Council of Europe should commission a study on the living conditions of Afro-descendants in Europe;
- The Working Group should establish a fund to facilitate NGO participation;
- Need for a "**Durban +5**" activity with country progress report to evaluate the implementation of the Durban Declaration and the Millennium Goals;
- States should focus on the **eradication of poverty**;
- Particular priority should be assigned to improving the situation of people of African descent both for Durban and Millennium goals;
- States should use a **rights-based approach** and establish **specific targets** to reduce racial discrimination;
- States should introduce anti-discrimination **training** programs and racial discrimination education;
- Political parties should **mainstream** racial discrimination in **national political debates** and programs.

Mission to Belgium<sup>3</sup>

### Scope

A mission to Belgium was undertaken from 13 to 17 June 2005. The experts visited Brussels, Liège, Namur and Mechelen; and met with members of the federal Government, including the Minister for Foreign affairs and the Minister for the Civil Service, Social Integration, Urban Policy and Equal Opportunities; members of Parliament; and police officers. The Working Group also met with members of the Flemish Government; the Government of the Walloon region; several authorities of the French and Flemish Regions and Communities; representatives of local authorities; the Centre for the Equality of Opportunities and Opposition to Racism (CEOOR); non-governmental organisations; and people of African descent.

### Summary and key conclusions

- The experts commended Belgium's efforts to protect the human rights of people of African descent and the Government's awareness of the problems faced by people of African descent;
- Belgium has adopted **specific national legal instruments** to combat racial discrimination such as the 1981 Anti-Racism law; the 2003 general anti-discrimination law; and laws limiting the financing of anti-democratic parties;
- The Working Group praised the efforts of the authorities in translating the provisions of the Durban Declaration and Programme of Action into the national legislative framework, notably through the adoption of the Principles for a Federal Plan of Action; the 10-point plan of action by the CEOOR; and through efforts in promoting intercultural dialogue such as the Intercultural Dialogue Commission;
- The main concerns of the Working Group related to the access of people of African descent to **employment**, **private housing** and **education**, stemming from discriminatory practices in the recruitment process; inequalities in educational outcomes; the difficulty in obtaining recognition of diplomas awarded in a foreign country; and the "rack-rent landlord phenomenon" in access to housing;
- Despite positive initiatives, problems remain with respect to the provision of adequate **education opportunities**, and the differential initial **social** and **cultural capital** of children of foreign origin;

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<sup>3</sup> E/CN.4/2006/19/Add.1,

- Employment remains a major problem. Measures have been adopted at the different levels, such as the **Multicultural Enterprise Unit**, which promotes equal treatment of foreign workers through information, awareness-raising and support initiatives, and regional policies promoting dialogue between different social, political and economic actors;
- A statute for an **association of the African diaspora** in Belgium had been drafted, but has been stalled by cooperation problems between the various associations.
- The police have a diversity plan aimed at mirroring the diversity of Belgian society in the ethnic composition of the police, as well as training on diversity. The Ministry of Justice also provides training programs for judges, prosecutors and legal trainees;
- The Working Group noted that there was no specific **integration policy** aimed at people of African descent but welcomed the adoption and implementation of general integration policies;
- The experts noted with appreciation the role of the **Royal Museum for Central Africa** in promoting a greater knowledge of and respect for the cultural of people of African descent;

### **Key recommendations**

The Working Group recommended that the Belgian authorities:

- Continue investing in public actions and policies in favour of people of African descent as these are important tools toward the establishment of a multi-faceted strategy encompassing civil rights, public education and communication at the workplace;
- Continue promoting **intercultural initiatives** as a long-term tolerance-building strategy;
- Continue strengthening the advancement of **non-discriminatory practices at the workplace**, especially through further awareness-raising efforts, directed in particular at private enterprises;
- Noting the Government's view on **disaggregated data** – data collection is based on the criterion of nationality and is not disaggregated by ethnicity – the Working Group recommended alternative ways of identifying the level of discrimination against people of African descent, and methods to assess the impact and effectiveness of the measures adopted by the Government to redress discrimination be examined;
- Devise additional measures to counter **inequalities in educational outcomes** for children of foreign origin;
- Enhance efforts in developing suitable procedures and criteria for the **equivalency of diplomas**;
- Establish and reinforce mechanisms for monitoring the **impact of diversity employment policies**;
- Allocate further investments for enhancing the role of the **Matongé area** as a catalyst of African cultures and traditions. Innovations such as **confidence-building programs** and the use of tools from African culture, by associations of people of African descent, to counter socially deviant behaviour that have been applied in the area should be extended and replicated in other locations;
- **Associations of people of African descent** should devise strategies to cooperate together and to establish a common platform to act as an interface with government authorities.