**1. SCOPE**

I recommend **the Declaration on the promotion and full respect of human rights of people of African descent (the Declaration**), makes reference to the Durban Declaration and Programme of Action (DDPA 2001), the International Bill of Rights, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD 1965), Right to Development, 2030 Agenda for Sustainable Development and Agenda 2063 for African Union and its Sixth Region. For example,

1. Acknowledging that ASPIRATION 2 of Agenda 2063 aims to achieve an integrated continent, politically united, based on the ideals of Pan-Africanism and the vision of Africa’s Renaissance. We therefore should aspire that by 2063, Africa shall: have dynamic and mutually beneficial links with her Diaspora (…) and management of cross-border resources through dialogue. The evolving relationship between the African Union and its Sixth Region should therefore be facilitated irrespective of challenges e.g. enabling circular migration of African professionals and their democratic representation in decisionmaking structures and processes.
2. acknowledging the centrality of universal human rights: in achieving the 2030 Agenda for Sustainable Development highlighted by OHCHR: *the Declaration should ensure universal human rights in accordance with the Vienna and Durban Declarations, i.e. for all members of the African diaspora without exception based on age, sex, sexual orientation, nationality, disability etc* … pursuant to A/HRC/19/41, "*while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms*” (HRC, 2011).

**2. PREAMBLE**

The Outcome Document from the Regional Meeting clearly states the importance of UDHR 1948, ICERD 1965 and the DDPA 2001 as a template for drafting our Declaration. I therefore suggest the Preamble to the Declaration on the promotion and full respect of human rights of people of African descent, is introduced with reference to the following:

1. Outcome Document of the Regional Meeting held in November 2017 which

iv. reaffirmed the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraged respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, (…) national (…) or other status.

v. underlined the importance of the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and its universal ratification as a central and effective instrument to address racial discrimination affecting people of African descent.

vi. reaffirmed the commitments contained in the Durban Declaration and Programme of Action with regard to people of African descent.

x. They reiterated the importance inter alia:

a. to ensure effective implementation of comprehensive anti-discrimination legislation and, as appropriate, adopt or strengthen legislation in this regard;

b. to recognize the value and diversity of the cultural heritage of people of African descent and to ensure their full integration into social, economic and political life with a view to facilitating their full participation at all levels in the decision-making process;

c. to adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status;

d. to ensure that people of African descent have full access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination, and the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination

e. to implement and enforce effective measures to eliminate any practice of “racial profiling”;

f. to collect, compile, analyse, disseminate and publish reliable and disaggregated statistical data, in accordance with national legislation, at the national and local levels and take all other related measures necessary to assess regularly the situation of people of African descent who are victims of racism, racial discrimination, xenophobia and related intolerance;

g. to establish or strengthen, as appropriate, local, national and/or regional mechanisms to promote and protect the human rights of victims of racism, racial discrimination, xenophobia and related intolerance;

h. to combat effectively prejudices and harmful and wrongful stereotypes which may lead to racism, racial discrimination, xenophobia and related intolerance and, in this regard, to implement educational, cultural and awareness-raising programs aiming at promoting a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent.

B. The Declaration should therefore be framed within the Universal Declaration of Human Rights 1948

*Article 1, asserts all human beings are born free and equal in dignity and rights (…) endowed with reason and conscience and should act towards one another in a spirit of brotherhood: defines the basic assumptions of the Declaration: that the right to liberty and equality is man's birthright and cannot be alienated: and that, because man is a rational and moral being, he is different from other creatures on earth and therefore entitled to certain rights and freedoms which other creatures do not enjoy****.*** *Article 2, asserts the basic principle of equality and non-discrimination as regards the enjoyment of human rights and fundamental freedoms, forbids "distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".*

It is within the remit of these universal human rights that arguments and claims in our Declaration are made, in compliance with existing international human rights and anti-discrimination norms and jurisprudence. E.g. the principle of equality and non-discrimination based on racial, ethnic or national origin is also enshrined in subsequent international and regional anti-discrimination norms such as the International Convention for the Elimination of All forms of Racial Discrimination 1965 and Council of Europe’s Race Equality Directive 2000. **Our Declaration’s Preamble might therefore make reference to the Vienna Declaration 1993** which asserts universal human rights are realised equally, generally and globally, without exception and therefore includes ALL members of the African diaspora including women, LGBTQI, elderly, etc… *(****Reference to UDHR 1948 and ICERD 1965 in the Preamble of our Declaration is therefore recommended).***

C. The Durban Declaration and Plan of Action (DDPA) should introduce and legally frame the Declaration on the promotion and full respect of human rights of people of African descent.

**The Preamble of the Declaration** **on the promotion and full respect of human rights of people of African descent should be framed within the DDPA’s request that** *“States promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in compliance with the UDHR 1948, and states obligations under international human rights instruments, regardless of the migrants’ immigration status*. E.g. implementing national action plans to address Afriphobia/Afrophobia as recommended by the Committee for the Elimination of Racial Discrimination and the European Network Against Racism; and positive action to reduce inequality which marginalises the African migrant communities from fulfilling universal human rights. Notably the situation of Afro-European communities affected by the ius solis vs ius sanguinis rules on nationality is noteworthy; similarly the situation faced by some African American immigrant families.

Therefore calling to mind human rights violations articulated by the African diaspora, at the UN OHCHR & WGEPAD meetings with members of international civil society in April and November 2017, including inhumane conditions in detention centres and disproportionate loss of African lives in the Mediterranean, ***our Declaration should defend and re-assert DDPA’s “****recommendations to ensure that migrants, regardless of their immigration status, detained by public authorities are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation*” (World Conference Against Racism, 2002).

Reference made to recommendations made in IDPAD Coalition UK’s submission to the WGEPAD in Spring 2017.

i) ***Implement the recommendations made under the Durban Declaration and Programme of Action 2001 on People of African Descent.*** The Declaration should therefore be introduced and framed within the legal framework of “*the DDPA which reasserts the principles of equality and non-discrimination as core human rights, thus transforming victims of discrimination into rights-holders and States into duty-bearers; whilst acknowledging the importance of active involvement of international and non-governmental organizations, political parties, national human rights institutions, the private sector, and other stakeholders”* ( World Conference Against Racism, 2002).

ii) ***Focus on challenging Afri-phobia/Afro-phobia, which is a major concern.*** Notably, the DDPA “recognizes that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, (...) were victims of colonialism and continue to be victims of its consequences (...) that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today” (World Conference Against Racism, 2002).

D. AGENDA 2063 & the African Union’s Sixth Region

The decline in fiscal spending on civil society globally and its financial impact both on African diaspora communities, as well as service provision is worthy of note; Pan African self-determination is therefore key to our survival and development as a people. I therefore recommend the African Youth Charter and the Charter for African Cultural Renaissance to legally advocate our rights in accordance with Agenda 2063 and thematic objectives of IDPAD.

E. **Our Declaration can make reference to the 2030 Agenda for Sustainable Development.**

SDG 3 aims to achieve Health and Wellbeing

Global Monitoring Indicator 3.4.2 indicates males in North America and Europe are more likely to commit suicide than their counterparts in sub Saharan states in 2012 (ECOSOC, 2017). Moreover GMI 3.9.1 “indicates higher mortality rates per 100, 000 people attributed to household and ambient air pollution in sub Saharan Africa, than in Latin America, North America and Europe, in 2012 (ECOSOC, 2017). Climate change, environmental pollution and environmental degradation pose global risks for health outcomes of the African diaspora which should be adequately addressed by state parties.

SDG 4 -To achieve inclusive quality life-long education for all

Good practice in addressing Afrophobia/Afri-phobia in education must be promoted by human rights bodies and other stakeholders. E.g. Art. 2 of French Loi Taubira 2000 asserts *“school curricula and research projects in the fields of history and the human sciences should accord to the subjects of the Negro slave trade and slavery the important place they deserve*”. Similarly the Equality Charter Unit’s Race Equality Charter Mark seeks to monitor inequality in student and staff outcomes, as well as curricula and pedagogy in UK higher educational institutions. However these and other interventions need to be strengthened.

SDG 5 - Gender Equality

Notably, WGEPAD urges States to eradicate multiple forms of discrimination and oppression faced by women and girls of African descent according to the concept of intersectionality in all areas of the SDGs. For example UNCTAD engages in programmes to address gender inequality in AU states and developing countries.

SDG 8 aims to achieve decent employment and economic growth.

Target 8.8 is implemented to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. In 2015, unemployment rates monitored by GMI 8.5.2 were less for adults and youth in sub Saharan Africa than in Developed Regions in 2015 according to (ECOSOC: 2017). It is claimed 51% of working age Afro Europeans in Belgium were unemployed in 2015. International and regional public bodies and other stakeholders therefore should facilitate mutually beneficial circular migration of professionals of African descent to enable social, economic, and environmental development of Africa and its peoples.

SDG 10 of aims to reduce inequality within and between countries.

Global Risks such as socioeconomic polarization an dinequality within countries pose a significant risk to social, economic and environmental development of the African diaspora, whether in “Developed” or “Developing Regions”, and therefore may be highlighted in the preamble. Populism is linked to growing inequality since the 1980s, and polarization e.g. as a result of nationalism and anti-immigrant sentiment within neoliberal western economies such as the UK and USA (World Economic Forum, 2017). Migration and integration policies impacts both migrants & citizens of African heritage: e.g. invisibility due to lack of disaggregated statistics to monitor outcomes for key social indicators e.g. health and housing. Moreover it is claimed that the term ‘migrant’ is used to describe all Black people in some EU states, e.g. Cyprus, Greece and Malta even if they are born in those countries or have a European citizenship. (ENAR: 2015).

SDG 16 - Democratic Participation for Peace & Good Governance

The DDPA “urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture” (World Conference Against Racism, 2002). However, the recent rise of populist nationalism and anti-immigrant sentiment, are exacerbated by global risks posed by urban migration, polarisation within states and climate change. For example GMI 16.a.1 monitors the existence of independent national human rights institutions in compliance with the Paris Principles, illustrates an increase between 2000 and 2015 in the number of countries in the Developed Region which were in compliance. However, the narratives collected in my research project do not reflect a corresponding trend in the reduction of Afro-phobia in the EU, but the need for further intervention to address existing gaps between theory and praxis. Breaches of anti-discrimination regional and international legislation occur within EU states including the UK, Eire and Mediterranean countries, without adequate access to justice or redress for victims of Afro-phobia. Moreover, advances made globally for promotion and protection of universal human rights since 2011 remain “overshadowed by continuing, serious and widespread human rights violations perpetrated, too often with impunity, against individuals based on their sexual orientation and gender identity (...) hundreds of people have been killed and thousands more injured in brutal, violent attacks (...) violations include torture, arbitrary detention, denial of rights to assembly and expression, and discrimination in health care, education, employment and housing. These and related abuses warrant a concerted response from Governments, legislatures, regional organizations, (...) civil society, (...) United Nations bodies – the Human Rights Council included “ (HRC, 2015). **The Declaration should therefore be introduced and framed: in a manner which strengthens existing human rights provisions; emphasizing a right to democratic participation by members of the African diaspora including civil society, academia and other stakeholders, in decision making processes pertaining to their self-determination and development.**

SDG Target 17.18 – Disaggregated equality Data Collection & Analysis

Fully disaggregated equality data to address existing gaps between theory and praxis of anti-discrimination norms, and human rights violations faced by the African diaspora should be advocated, e.g. for national action plans to address Afro-phobia, as asserted by the DDPA and UN GA Res. 68/261. Data monitoring implementation of Target 17.18 i.e. fully disaggregated equality data collection is given (including by migratory status) for Developed Regions between 2010 and 2015: this region includes EU states with sizeable African populations e.g. the USA, UK, France and Mediterranean countries. The WGEPAD, CERD and other UN Bodies are recommended to advocate “Developed Regions” as well as “Developing Regions” complete: fully disaggregated equality data collection to plan, analyse and monitor implementation of inclusive policies for sustainable development. This can facilitate IDPAD’s Programme of Action and thematic objectives of recognition, justice and development. ***The Preamble to the Declaration should therefore highlight serious obstacles to the African diaspora’s social, economic and environmental development remain, in fulfilling civil, political, economic, social and cultural rights,”*** **as outlined in the Right to Development** (UNGA, 1986).

3. **KEY HUMAN RIGHTS AND SPECIFIC GUARANTEES**

1. **Article 3, UDHR 1948**, a fundamental freedom and cornerstone first generation human right which proclaims the right to life, liberty and security of person. It is an essential human right for the enjoyment of all other rights and therefore introduces articles 4 to 21, in which other civil and political rights are set out, including freedom from slavery and servitude, from torture and cruel, inhuman or degrading treatment or punishment, (...) and to equal access to public service in one's country … **encompassing right to practice traditional and other religions but cultural restrictions often pose obstacles.**
2. **International Convention on Civil and Political Rights, 1966** in the International Bill of Rights also include: freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement and residence; the right of asylum; freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; and the right to take part in the government of one's country and to equal access to public service in one's country

**Death Penalty**

***The Declaration might advocate abolition of the death penalty*** i.e. promote the right to life and free from torture and inhumane treatment; and rights of individuals facing the death penalty in UN member states where it is still in use: and challenge those seeking reintroduce the death penalty.

**Enslavement**

***The Declaration should assert of strengthening human rights bodies and instruments to protect people of African descent from modern slavery and slavery related practices***, such as their criminalisation and imprisonment for capitalistic exploitation by the prison industry globally. Protection of the human rights of vulnerable groups such as people with disabilities, women, youth and children from sexual exploitation, forced labour and other human rights violations should be imperatively addressed.

**Ethnic profiling & Racial Stereotyping**

***The Declaration should assert freedom from being stereotyped or profiled on the basis of racial, ethnic or national origin (presumed or otherwise).*** Ethnic profiling by law enforcement, border controls, educational institutions etc clearly violates many of the freedoms in International Bill of Rights. Fundamental freedoms outlined in the ICCPR 1966 include include the right to recognition everywhere as a person before the law; freedom from arbitrary arrest, detention or exile; the right to a fair trial and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proven guilty; the right to a nationality; the right to marry and to found a family; the right to own property.

**Intersectionality**

1. ***The Declaration must recommend more efficient, fair and just remedies for people of African descent equally, generally and globally.*** The trade in African immigrants in their countries of origin, destination and transit countries highlights the failure of state parties and existing legal instruments to efficiently regulate immigration, as do the claims of inhumane conditions in detention centres.
2. ***The Declaration should highlight A/HRC/29/23 which states “the African Commission on Human and Peoples’ Rights resolution in 2014, condemns violence and other human rights violations based on real or imputed sexual orientation and gender identity*** (...) and the European Court of Human Rights and the Inter-American Court of Human Rights several judgements affirming the rights of LGBT persons to equal treatment and protection under the law” (HRC, 2015). ***Our Declaration should therefore advocate repeal of discriminatory laws for the protection and promotion of universal human rights,*** e.g. of African diaspora members faced with imprisonment and the death sentence on the basis of their same sex orientation, in AU states including Sudan, Mauritania, parts of Somalia and Nigeria.
3. ***Our Declaration must imperatively address inequality affecting African diaspora women and girls as a consequence of their intersectionality***. Women and girls of people of African descent suffer from multiple forms of discrimination on account of race, gender, class and other identities. The Working Group agrees with the Afro feminist theory of intersectionality that women of African descent face multiple forms of oppression which are interconnected and cannot be addressed separately from one another. African women face discrimination in all areas of life and their specific human rights concerns must be addressed; e.g. by “undertaking reforms to give women equal rights to economic resources, access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws” as asserted by Target 5a of the 2030 Agenda (IAEG-SDGs: 2017).

C. **International Convention on Economic, Social and Cultural Rights, 1966**

**Employment**

Narratives from organisations working in the Mediterranean, and other European countries indicate qualifications and experience of African migrants within labour markets are often not recognised, and illustrates violations of the right to adequate employment i.e. Article 23, UDHR 1948. The Working Group calls upon States to promote access to decent work for people of African descent in key occupations and economic sectors, without any discrimination as required by ILO Convention 111. Other measures include improving anti-discrimination legislation and its enforcement by focusing and addressing multiple forms of discrimination such as discrimination based on race, colour, gender and disability.***Our Declaration must therefore promote universal human rights of people of African descent in compliance with ICERD 1965 and other relevant anti-discrimination norms, to secure and maintain employment*** ***appropriate to their qualifications and/or professional experience, and with appropriate remuneration for their skills and expertise.***

**Health**

African diaspora communities suffer disproportionately poor health outcomes e.g. high rates of maternal mortality: as a result of social determinants of health including poverty, poor diet, structural discrimination and environmental pollution, particularly but not exclusively affecting socioeconomically deprived African communities. Many states do not collect fully disaggregated statistics, which enables identification of specific health needs of ethnic minorities, and can ensure adequate measures are implemented to address them. Where disaggregated equality data collection and analysis occurs, more successful policy interventions are sometimes required, e.g. to address disproportionately poor health outcomes of the African diaspora in the USA and UK.

The DDPA requests States, supported by international cooperation as appropriate, to consider positively concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control (World Conference Against Racism, 2002).

***Our Declaration should therefore: re- assert the human right to health and wellbeing, highlighting: new global risks such as climate change, environmental degradation and pollution, and urban migration: social determinants of health which adversely affect African populations globally e.g. poverty and Afro-phobia/Afri-phobia: culture-related health issues e.g. tradional healing, medicines and other issues affecting the African diaspora****.*

**Education**

The DDPA “encourages States to promote education on the human rights of migrants and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly those who are in an irregular situation” (World Conference Against Racism, 2002). For example in 2017 the number of African heritage academics in UK higher education was disproportionately lower than other ethnicities. In addition claims are made that educational curricula at all levels of education does not adequately address subjects affecting the African diaspora, e.g. the enslavement of Africans and colonialism is not taught from an Afrocentric perspective. ***Therefore the Declaration should: promote and protect a right to education: re-asserting Article 26, UDHR 1948 in accordance with the Vienna and Durban Declarations, and IDPAD’s Programme of Action: acknowledge colonialism and enslavement of Africans as structural barriers to achieving IDPAD’s thematic objectives of recognition, justice and development.***

1. **Self Determination and Development of the African Union’s Sixth Region**

***Our Declaration should assert a right to participate in inclusive sustainable policy development for Pan African empowerment, in accordance with Agenda 2063 and the DDPA’s recommendations****:*

1. for the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to (...) make proposals for the elimination of racial discrimination against people of African descent;” (World Conference Against Racism, 2002). The Declaration should therefore request WGEPAD and other stakeholders advocate a legal framework of national action plans to address Afri-phobia/Afro-phobia is advocated by to both international and regional public bodies as well as civil society.
2. advocate positive action for the realisation of human rights of socioeconomically marginalised African diaspora communities; e.g. “the United Nations, international financial and development institutions and other appropriate international mechanisms develop capacity-building programmes intended for the African Diaspora (...) around the world (World Conference Against Racism, 2002).
3. fully disaggregated equality data collection and analysis as advocated by UN GA Res. 68/261, through democratic community participation to address Afro-phobia and other structural barriers encountered by the African diaspora in access to universal human rights.

**Pan African Structures and Processes**

***Our Declaration should include the right(s): to strengthen Pan African structures and processes: for development of the African Diaspora as proposed in the Draft Framework for Inclusion of the African Diaspora in AU Structures and Processes, and the Charter for African Cultural Renaissance.*** For example the legal spirit of Pan Africanism should be facilitated by enabling establishment of Africa Houses for dialogue on political, economic, and social issues affecting the AU and its Sixth Region, globally.

enable “Africa Houses” to be established globally, to. in accordance with Agenda 2063. Moreover the this right should affirm the freedom to assemble for African peoples, particularly given maltreatment we face from border controls and law enforcement when we do.

regarding the evolving relationship between the African Union and its Sixth Region, the WGEPAD, regional and national public bodies, as well as civil society awareness and advocacy of the legal spirit of Pan Africanism. Therefore, the WGEPAD should facilitate African diaspora representation in the AU ECOSOCC General Assembly,

**Reparations and Reparative Justice**

The DDPA “urges financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies.

i) To assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of these populations in developing countries, inter alia through the preparation of specific programmes of action;

ii) To carry out special projects, through appropriate channels and in collaboration with Africans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;” (World Conference Against Racism, 2002).

Therefore, ***bearing in mind the ethnocide, dispossession, and capitalistic overexploitation of enslaved Africans during the Maangamesi (making note of both the Trans Atlantic and Indian Ocean Trade in enslaved Africans), the Declaration might assert a right to reparations and reparative justice for enslaved African peoples, and the descendants of enslaved Africans, within the legal framework of the Durban Declaration and Plan of Action and ICERD 1965****.*

***A right for plundered cultural artefacts belonging to African Union states and peoples to be returned to their rightful owners.***

***Furthermore the Declaration should challenge neocolonial structures and processes which impoverish and exclude African peoples globally, for the benefit of globalized neoliberal capitalist economies and monopolies****. E.g. social, economic and environmental abusive (under) development of African states rich in mineral resources and for their land, labour and capital.*

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