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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION**

**Report of the Regional Workshop for the Adoption and Implementation
of Affirmative-Action Policies for People of African Descent in the
Latin American and Caribbean Region***

Note by the High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the Commission on Human Rights the report of the Regional Workshop for the Adoption and Implementation of Affirmative-Action Policies for People of African Descent in the Latin American and Caribbean Region, held in Montevideo from 7 to 9 May 2003.

* The appendix is circulated as received.

Summary

The present report contains the conclusions and recommendations adopted at the Regional Workshop on the Adoption and Implementation of Affirmative-Action Policies for People of African Descent in the Latin American and Caribbean Region. The Workshop was held in Montevideo from 7 to 9 May 2003 and was organized by the Office of the High Commissioner for Human Rights and hosted by the Government of Uruguay. The recommendations are addressed to States, the United Nations system, regional organizations and civil society and concern the development and adoption of affirmative or positive actions and strategies as means of overcoming inequalities experienced by people of African descent in the region. The report includes concrete conclusions and recommendations on poverty reduction, development, land ownership, access to employment, participation in public life, discrimination and the law, torture and the excessive use of force, health, education, cultural identity, religion and housing.

In its conclusions, the Workshop recognizes that affirmative action is a means of addressing and overcoming injustice and inequities based on racism and discrimination, and must be incorporated into domestic policies. Furthermore, the Workshop points out that affirmative-action policies are of a provisional nature and are designed to overcome historical injustices, to reflect the diversity of different societies and to construct societies that are fair and just. The Workshop also urges States to produce, on a regular basis, socio-economic indicators, disaggregated by race, in the areas of education, health, the labour market, income distribution, poverty and demography. It also recommends that States promote the negotiations being held by the Organization of American States on a draft inter-American convention against racism and discrimination.

**REPORT OF THE REGIONAL WORKSHOP ON THE ADOPTION AND
IMPLEMENTATION OF AFFIRMATIVE-ACTION POLICIES FOR
PEOPLE OF AFRICAN DESCENT IN THE LATIN AMERICAN
AND CARIBBEAN REGION**

Introduction

1. In accordance with the Quito Framework adopted at the Meeting on the Promotion and Protection of Human Rights in the Latin American and Caribbean Region, held from 29 November to 1 December 1999 as part of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which took place in Durban, South Africa, from 31 August to 8 September 2001, a regional workshop, entitled “Adoption and implementation of policies of affirmative action for people of African descent of the Latin American and Caribbean Region”, was held in Montevideo from 7 to 9 May 2003. The Workshop was organized by the Office of the United Nations High Commissioner for Human Rights and hosted by the Government of Uruguay. A list of participants is attached (appendix).
2. The Workshop was opened by H. E. Mr. Didier Operti, Minister for Foreign Affairs of Uruguay, who welcomed participants to the Workshop and stressed the importance of combating racial discrimination and xenophobia in the region. His message was followed by a statement by Roberto Garretón, Regional Representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR).
3. Ambassador Pablo Sader (Uruguay) was elected Chairperson-Rapporteur of the Workshop by acclamation.

**CONCLUSIONS AND RECOMMENDATIONS OF THE REGIONAL
WORKSHOP ON THE ADOPTION AND IMPLEMENTATION OF
AFFIRMATIVE-ACTION POLICIES FOR PEOPLE OF AFRICAN
DESCENT IN THE LATIN AMERICAN AND CARIBBEAN REGION**

Representatives of Governments, representatives of associations of ombudsmen and human rights procurators, and non-governmental organizations of people of African descent of the Latin American and Caribbean region and United Nations specialized agencies, meeting in Montevideo, Uruguay, from 7 to 9 May 2003,

Reaffirming that international cooperation in the promotion of and respect for human rights and fundamental freedoms is one of the purposes of the United Nations,

Bearing in mind the principles of equality and non-discrimination recognized in the Universal Declaration of Human Rights and other binding declarations of the universal system for the protection of human rights and inspired by respect for the human rights and fundamental freedoms of the individual without distinction as to race, colour, sex, language, religion, political opinions, national or social origin, economic status, birth or any other condition,

Recalling that the Vienna Declaration and Programme of Action established that democracy, development and respect for human rights and fundamental freedoms are universal, interdependent and indivisible,

Bearing in mind that the World Summit for Social Development and the Copenhagen Declaration adopted at the Summit established a new consensus to place the individual at the centre of sustainable development by eradicating poverty, promoting full productive employment and encouraging social integration in order to create societies that are stable, safe and fair to all,

Considering that the Declaration and Programme of Action adopted in Durban by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance recognizes that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to develop or elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all, through, among other things, affirmative or positive actions and strategies; these plans should aim at creating conditions enabling all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination,

Recognizing the fundamental importance for States, in combating racism, racial discrimination, xenophobia and related intolerance, to consider signing, ratifying or acceding to all relevant international human rights instruments, with a view to universal adherence,

Emphasizing that cultural diversity is a valuable means of ensuring the progress and well-being of humankind in general and that it should be authentically valued, enjoyed, accepted and adopted as a value that enriches our societies,

Considering that the Durban Programme of Action in paragraph 5 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, as well as other affirmative or positive action initiatives, in communities of primarily African descent,

Reaffirming that the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in chapter II, paragraph 4, 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,

Emphasizing that, in the Santiago Declaration and Programme of Action, the Governments of the Latin American and Caribbean region recognized, inter alia, that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and of the denial by history of many of their rights, and asserted that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind based on origin, culture, skin colour or social condition and that recognition should therefore be given to their rights to culture and their own identity and to participate freely and in equal conditions in political, social, economic and cultural life,

Pointing out that affirmative-action policies of a temporary nature agreed among all the actors of society are closely bound up with the concept of reparation and should be geared towards the construction of a new plan for society that is ethically and morally based on the values of justice and fairness,

Recognizing that affirmative action, as means of identifying and addressing structural injustices and inequities based on racism and discrimination, must be incorporated into domestic policies aimed at eliminating the deep roots of racism and racial discrimination in society,

Noting that the States of Latin America and the Caribbean have signed the United Nations Millennium Declaration, which establishes precise indicators for development goals to be attained by 2015 in the eradication of extreme poverty and hunger, the achievement of universal primary education, the promotion of gender equality and the empowerment of women, the reduction of infant mortality, the improvement of maternal health, the fight against HIV/AIDS, malaria and other diseases, the sustainability of the environment and the promotion of a world association for development,

Adopt the following conclusions and recommendations in the context of the consolidation of the achievements of the Declaration and Plan of Action of the Regional Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Santiago, in December 2000, and the Declaration and Plan of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in September 2001.

General recommendations

1. Establish machinery for the exchange of human rights information, learning experiences and best practices among the countries of the region, with the participation of all social actors.
2. Promote the establishment of national human rights institutions, such as ombudsmen, in countries where they do not yet have legal existence and facilitate the establishment of subcommissions for receiving complaints of racial discrimination, including the possibility of bringing collective lawsuits on behalf of groups of persons discriminated against.
3. Urge States to establish permanent programmes to monitor progress in the implementation of their affirmative-action policies, including the preparation of valid and reliable progress indicators, such as the establishment of observatories for this purpose.
4. Adopt affirmative-action measures as an appropriate means of overcoming the inequalities arising from the historically disadvantaged situation of people of African descent as a result of the transatlantic slave trade.
5. Convene a meeting of the Americas in 2005 in order to follow up the Santiago Declaration and Plan of Action (2000).
6. Encourage the States Members of the United Nations in the region to establish social inclusion plans with a racial emphasis, through the establishment of committees representative of society, for the purpose of drawing up inclusion goals for vulnerable groups, particularly people of African descent, and monitoring their implementation.

7. Hold a workshop with representatives of multilateral agencies, particularly development banks, with a view to incorporating the social-inclusion approach into projects supported or developed by them, by incorporating determining factors for social inclusion (affirmative actions) in development contacts.
8. Find a better definition for “affirmative-action measures” in order to give them greater legitimacy. Such measures should have at least the following basic elements: (i) a time frame for the measures (in accordance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination); (ii) a reasonable percentage of measures relating to the population distribution of vulnerable groups; and (iii) strict legality (in accordance with each country’s constitution and ordinary laws) for establishing the measures.
9. Hold a workshop with representatives of the regional media with a view to encouraging the adoption of a racial inclusion/positive attitude approach to the question of race and the inclusion of black people and personalities in television programming.
10. Establish an observatory, possibly making use of existing Commission on Human Rights machinery, which, on the basis of its relations with local and national organizations, should prepare a situation report for the various countries in order to assess the progress made in the adoption and implementation of affirmative-action policies for people of African descent. This report could become the indicator of ongoing efforts in the countries of the region.
11. Urge States to commit themselves to producing, on a regular basis, statistics and socio-economic indicators disaggregated by race, inter alia in the areas of education, health, the labour market, income, poverty and demography.
12. Urge United Nations agencies, in particular the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children’s Fund (UNICEF), to commit themselves to producing, on a regular basis, statistics and socio-economic indicators disaggregated by race in the areas mentioned in the preceding paragraph.
13. Urge States to promote racial censuses in the administration at all levels (federal, state and local), including the armed forces and police, and the legislatures and judiciaries of the countries of the region.
14. Urge States to request the media to publish and circulate widely the declarations and recommendations of meetings organized by the Office of the United Nations High Commissioner for Human Rights.
15. Urge States to use their own channels for the regular dissemination of declarations and recommendations.
16. Urge States to ensure wide circulation of information on the Regional Workshop on the Adoption and Implementation of Affirmative-Action Policies for People of African Descent in the Latin American and Caribbean Region. This information should be made available to all segments of society through the distribution of publications free of charge. States should

organize discussions between the public and private authorities, trade unions and civil society. States and the various parties concerned should study and constantly follow up and monitor the recommendations adopted by the workshop.

17. Establish, as permanent national objectives, affirmative-action policies to eliminate poverty in communities of people of African descent, recognizing the vulnerable situation of this segment of the population.
18. Strengthen affirmative action by government authorities, with special emphasis on the security of citizens, in order to facilitate the development and implementation of projects and plans prepared by communities of people of African descent.
19. Establish a multidisciplinary working group, made up of representatives of all branches of the Government and representatives of all the institutions of people of African descent formally established in the country, with a view to the joint preparation of viable, sustainable and maintainable development plans in all areas of government.
20. Include in the action programmes of potential presidential candidates, the establishment, as national economic objectives of affirmative-action policies for ethnic minority communities.
21. Urge States to declare the problem of racial discrimination as a policy of public concern.

Reduction of poverty and promotion of development

Recommendations to States

1. Make the declaration referred to in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. Ensure the implementation of the objectives of the Millennium Declaration as a reference for measuring the political, economic and social development of peoples and populations of African descent.
3. Establish a fund for the development of peoples and populations of African descent in the Latin American and Caribbean Region, along the lines of the Multilateral Investment Fund of the Inter-American Development Bank, with the support of all multilateral organizations.
4. Promote the negotiations being held by the Organization of American States (OAS) on an inter-American convention against racism and discrimination.
5. Implement and follow up, in consultation with the international agencies, the Millennium Declaration and the Monterrey Declaration on Financing for Development and the commitments assumed by the United Nations Conference on Trade and Development (UNCTAD), in particular with reference to aid for development from the developed to the developing countries, and the developed countries' allocation of 0.7 per cent of their gross domestic product (GDP) to promote the human rights of people of African descent.
6. Establish a development institute for people of African descent within the government structures of each country, with technical support from civil society.

7. Implement the Declarations, giving priority to education, in order to eliminate poverty and combat racism and racial discrimination by concentrating not only on students but also on training and raising the awareness of educators, with a view to achieving a new culture of non-discrimination.
8. Propose that IDB and the World Bank implement a project to study the situation of young people in the Latin American and Caribbean Region and/or on the continent.
9. At the university level, promote the creation of specific areas of discussion on the population of African descent, beginning with the acknowledgement of the existence of racism and racial discrimination in Latin American and Caribbean countries, and also recognizing the existence of new and subtle forms of discrimination.
10. At universities, promote scholarships for students of African descent in order to ensure that they have genuine access to post-secondary education.
11. Establish national commissions of people of African descent who have been convicted, tried and released, including representatives of the Ministry of the Interior, the Ministry of Education, national prisons boards, the judiciary, the national employment offices of the Ministry of Labour and non-governmental organizations (NGOs) of people of African descent, with the task of reviewing and designing programmes for resocialization, including social and employment rehabilitation and reintegration.
12. Establish national commissions for the protection of children of African descent, made up of representatives of the institutions referred to above, with the participation of representatives of the Ministry of Education, representatives of national youth institutes and representatives of national children's institutes, who will be responsible for reporting on the number of people of African descent in these institutes, the reasons for this and the means of improving their situation, as well as prevention policies. The objective is to set up rehabilitation programmes such as the teaching of trades, the establishment of microenterprises and so on.
13. Conduct a conceptual review of poverty indicators, presenting the statistical information disaggregated by sex and race/ethnic group.
14. Establish a department for young people of African descent, incorporated into IDB and United Nations structures.
15. Create policies to channel and make the most of the remittances generated by populations of African descent living in other countries.
16. Review and analyse the impact of free trade agreements, bearing in mind that such agreements should not impair the full realization of the human rights of people of African descent.
17. Support the strengthening of micro-, medium-sized and small Afro-enterprises as well as plans, programmes and projects for economic development in communities of African descent in Latin America.

18. Support the development initiatives (tourism, ecotourism, cultural tourism) of communities and organizations of people of African descent.
19. Encourage reforms of and amendments to the electoral laws in order to ensure effective participation in the democracies of the various countries, either through percentage or participation quotas.
20. Ratify agreements and treaties that include and refer to the human rights of people of African descent.
21. Support the establishment of the Afro-American Research Institute.
22. Support and/or create intercultural bilingual education processes with countries where there are linguistic and cultural particularities of African origin.
23. Create conditions for the inclusion in each country's educational curricula of an African world view in order to reduce discrimination, and create a professional chair for the study of people of African descent in each country, in all areas of the education system.
24. Adopt a cross-sectoral approach so as to ensure that all State policies include measures to reduce racial and gender inequality, and ensure that the impact of racial inequalities is used as a criterion in monitoring programmes and projects implemented by Governments at the national or local levels.

Recommendations addressed to the United Nations system and regional international organizations

1. Promote the proclamation of an international decade for people of African descent, as part of the International Year to Commemorate the Struggle against Slavery and Its Abolition.
2. Consider the establishment of an inter-American commission on people of African descent similar to the existing OAS Inter-American Commission of Women.
3. Introduce scholarships for people of African descent who are members of NGOs in order to enable them to gain direct experience of treaty and non-treaty human rights mechanisms and to participate in programmes dealing with political training, promotion of new leadership, development of capacities for the assertion of rights, and acquisition of knowledge of new organizational processes.
4. For IDB and the World Bank in particular, incorporate the dimension of the human rights of people of African descent into development programmes.
5. Propose the establishment of a forum for people of African descent in the United Nations system.

Land ownership

Recommendations to States

1. Promote the access of women of African descent to land, credit and ownership.
2. Ensure that the distribution of land is accompanied by sustainable development, basic sanitation, drinking water, schools and health services, together with technical cooperation agreements for the development of agriculture (planting, harvesting, marketing).
3. Ensure the participation of populations of African descent in adopting decisions that affect them in particular and which relate to projects for exploiting timber reserves or other natural resources.
4. Facilitate and ensure initial consultation processes with people of African descent in order to protect their cultural identity (ILO Convention No. 169).
5. Carry out the complete mapping of the ancestral lands and territories of people of African descent and draw up policies for granting soft loans for the productive management of these lands.
6. Draw up affirmative-action measures to combat poverty, defending the survival of producers in their ancestral territories since the producers have the right to live there, work the land and provide for their families.
7. Plan development programmes on ancestral lands, involving communities of African descent in the conservation of the natural resources situated in those areas and recognizing the value of applying their traditional knowledge, for example, in health matters.
8. Promote community land tenure for people of African descent.
9. Ratify international agreements on the protection of areas inhabited by populations of African descent.
10. Promote access to urban and rural land and to basic services, particularly in areas in conflict.
11. Promote the urban and rural legalization of lands and territories held by persons of African descent.
12. Promote the recognition of the ancestral territorial rights of people of African descent in order to contribute to their economic development and strengthen their cultural identity, and guarantee their survival as ethnic groups.
13. Consider the experience of black communities in Colombia, with particular reference to Act No. 70 of 1993 on the rights of the Afro-Colombian population as an ethnic group.

14. Establish a national fund for people of African descent and earmark a percentage of it for the construction of housing for and land purchase by women of African descent, in particular women who are heads of household, encouraging their participation in designing and managing housing policies.

Recommendations to the United Nations system and regional international organizations

1. Urge the United Nations to promote and organize seminars for ministries of agriculture on the adoption of programmes for the comprehensive “sustainable and environmentally friendly” development of the communities of descendants of people from *quilombos* and *palenques*.

2. Urge the international and regional financial institutions to make support for countries dependent on the fulfilment of their commitments to adopt affirmative-action policies that contribute to the preservation of, and respect for, the lands on which people of African descent have traditionally lived.

3. Request UNDP to give priority to people of African descent in its annual *Human Development Report* in order to give an overall picture of their situation and provide indicators that are in keeping with their cultural particularities.

Access to employment

Recommendations to States

1. Guarantee the full implementation of ILO Convention No. 111, particularly article 1, subparagraphs 1 (a) and (b).

2. Urge national authorities to consider quotas for entry to the civil service at the municipal or national level by people of African descent, in particular the young and the disabled.

3. Reconsider the philosophy underlying the development model, which gives priority to economics “without a human face”, productivity and privatization, not socialist ideals.

4. Modify the structure of national development plans to include job creation in communities of people of African descent.

5. Modify plans for the educational system in countries.

6. Support the growth and consolidation of enterprises in communities, especially those started by women and young people.

7. Involve civil society organizations of people of African descent more closely in bodies such as the advisory boards being set up with the support of such strategic alliance organizations as IDB, the World Bank and civil society institutions.

8. Set up a job-creation programme based on start-ups and on making the most of available resources in their environment.
9. Consider the importance of monitoring health issues that link ethnic or racial origin to national labour systems and the relevant legislation.
10. Publicize the important role of the media in combating racism and racial discrimination.
11. Establish the position of ombudsman, emphasizing the protection of the rights of people of African descent.
12. Draw up special employment programmes for women of African descent, giving priority to female heads of household living in poverty.
13. Train women from communities of African descent to manage microenterprises and support them with special lines of credit.
14. Set up tripartite commissions in ministries of labour to protect the right to work of people of African descent.
15. Review the regulations on domestic work with respect to working hours, unemployment insurance, dismissal and so on, and organize short courses on these regulations, making use of national and municipal institutions for this purpose.
16. Organize job-training programmes for people of African descent with the aim of increasing their income, access to employment and ability to support themselves, and offer retraining courses and create new employment opportunities.
17. Issue new rules to protect workers in the informal sector.
18. Design, adopt and implement special training measures for those working in the informal sector of the economy, encouraging the creation of small and medium-sized enterprises, technology transfer, access to credit and marketing.

Recommendations to civil society

1. Take advantage of processes that encourage participation, and of the international financial institutions' policies on freedom of information.
2. Develop monitoring programmes in order to ensure participation in, and have an impact on, the development/investment projects of multilateral development banks.
3. Organize campaigns to monitor the media in order to identify and denounce journalists or media enterprises that promote negative stereotypes of people of African descent. Such campaigns should be organized at the national and regional levels.
4. Apply for consultative status with multilateral development banks and OAS.

5. Take advantage of the development programmes and hemispheric integration processes to promote affirmative action for access to employment in the private sector (for example, development of a “scorecard” based on equal-opportunity practices in the top 100 Latin American companies or the top 100 multinational corporations investing in Latin America and the Caribbean).

Recommendations to the United Nations system and regional international organizations

1. Ensure that the beneficiaries of IDB and World Bank development programmes are involved in the adoption, implementation and monitoring of these programmes as a matter of course.
2. Design and promote retraining courses and, particularly in the case of IDB and the World Bank, include courses for the social development of people of African descent in their programmes.
3. Evaluate the specific impact of microenterprises on communities of African descent in the region.
4. Raise awareness by disseminating information on communities of people of African descent on regional radio and television stations, including those of OAS, with regard to preventing and combating discrimination against these communities.
5. Promote affirmative-action programmes in such regional organizations as IDB, OAS, the Pan-American Health Organization (PAHO) and the Economic Commission for Latin America and the Caribbean, in order to ensure that men and women of African descent have access to employment in these organizations.

Participation in public life

Recommendations to States

1. Study and determine, in accordance with the particular characteristics of each country in the region, the feasibility and advisability of establishing special bodies to encourage the political participation of people of African descent.
2. Study and determine, in accordance with the needs and characteristics of each country, the possible implementation of affirmative-action policies such as special quotas to promote the political and administrative participation of people of African descent, including through mechanisms to finance political campaigns.
3. Urge political parties to observe established quota systems and to ensure that parties that fail to observe the quotas are fined.
4. Promote the training of people of African descent in order to prepare them for political leadership.

5. Urge political parties to include in their campaign platforms and programmes their policy on the claims of men and women of African descent and their strategies for putting it into practice.
6. Ensure that people of African descent hold elected positions and posts in all branches of government.
7. Urge States to collect, compile, analyse, disseminate and publicize official statistical data and take all related measures to evaluate periodically the situation of men and women of African descent, taking a gender perspective into account.
8. Undertake special statistical research to assess the extent to which all the human rights, civil, political, economic, social and cultural, of men and women of African descent are observed.
9. Use the statistical data collected to prioritize the public policies to be implemented as forms of affirmative action.
10. Promote in-depth internal discussion and debate on the reality facing men and women of African descent so that the different national communities can learn about each other.
11. Promote decentralized models of participation in order to ensure the increasing involvement of men and women of African descent in community decision-making.
12. Increase access by men and women of African descent to radio and television airtime with a view to consolidating such means of participation and promoting rights.
13. Urge the multilateral agencies to set up a fund to finance policies designed to benefit men and women of African descent.

Discrimination and the law

Recommendations to States

1. Urge States to ratify the international human rights treaties and conventions and to do so without entering reservations of any kind, and to accept the competence of international bodies to receive and process individual claims.
2. Invite States to consider adopting, within the OAS framework, an inter-American convention against racism, racial discrimination, xenophobia and related intolerance, which would extend the scope of existing international instruments by including provisions on new manifestations of racism and racial discrimination and by establishing follow-up mechanisms.
3. Update domestic legal systems, adopting the necessary legislation and regulations to give full effect to the protection of the rights contained in binding international instruments.
4. Identify and remove discriminatory rules from domestic legislation.

5. Provide more training for and raise awareness among members of civil society, particularly victims of discrimination, in order to increase their capacity to make more effective use of mechanisms for the protection and defence of their human rights.
6. Urge Governments to insist on strict compliance with affirmative-action policies for State contractors and subcontractors.
7. Encourage the introduction of special arrangements for hearing complaints about discrimination in matters concerning the police or the judiciary, and consider setting up special police units to respond quickly in such cases.
8. Promote racial equality in the training of professionals, particularly those in the legal profession, by promoting diversity and encouraging lawyers to defend the victims in cases of complaints of racial discrimination.
9. Promote the appointment of people of African descent to organs of the judicial system.
10. Promote the participation of young people in decision-making bodies at all levels by means of affirmative-action mechanisms.
11. Simplify the complaints process by decentralizing the offices handling complaints, thus facilitating access for all to the complaints mechanisms.
12. Ensure that legal assistance and help is available free of charge when complaints are being processed, and allocate greater procedural resources for obtaining evidence.
13. Broaden the scope of anti-discrimination legislation to cover all areas of law.
14. Refine existing legal and regulatory mechanisms in order to cover cases in which discrimination is the result of acts of omission or policies that have a discriminatory effect.
15. Recognize the right of the victims of discriminatory treatment to redress or compensation, including compensatory measures such as community service to be carried out for the benefit of organizations of people of African descent by those found responsible for discriminatory treatment.
16. Ensure that the mechanism for bringing complaints and lawsuits related to racial discrimination before the courts is widely available.
17. Conduct studies on the way in which court cases dealing with racial discrimination are handled and how men and women of African descent are treated by the judicial authorities.
18. Adopt legislation prohibiting racial discrimination in the private sphere.

Torture, ill-treatment and the excessive use of force

Recommendations to States

1. Invite States to ratify the covenants and conventions that provide protection against torture, ill-treatment and any other form of violation of personal integrity, or arbitrary detention.
2. Encourage the amendment of domestic legislation to include definitions of specific offences, such as the crime of torture, in the light of the regulatory and procedural framework for the application of these rules.
3. Consider abolishing the death penalty.
4. Strengthen the participation of civil society and encourage the full involvement of the public in the promotion and defence of the rights of men and women of African descent.
5. Promote crime-control mechanisms based on the use of alternatives to imprisonment in order to reduce the potential for using torture and other cruel or inhuman treatment or punishment.
6. Review training for immigration officials in order to avoid discriminatory practices against people of African descent and other national or ethnic groups, and determine whether legislation or bad practice is the source of any discrimination.
7. Provide training in human rights and respect for diversity for public officials involved in public security tasks at any level, such as the police and armed forces, including those responsible for custody in prisons, and involve NGOs in such training courses.
8. Carry out periodic assessments of the impact of training on reducing cases of ill-treatment related to racial discrimination, in accordance with the recommendations in the declarations and programmes of action adopted at the Regional Conference of the Americas, held in Santiago, and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban.
9. Include human rights and discrimination-related issues in training courses for cadets in military and police academies and in courses for candidates for promotion. These educational programmes should include modules on constitutional rights, international human rights standards on torture and racial discrimination, and the history and social experiences of people of African descent.
10. Train security officers from the private sector and monitor the performance of their duties in order to avoid abuses of authority vis-à-vis people of African descent.
11. Recommend that States adopt legislative reforms to their judicial procedure in order to ensure that no value is attached to statements other than those obtained under the rules of due legal process, as recognized in international human rights instruments.
12. Reduce the length of administrative detention and establish strict judicial controls for it.

13. Provide for the establishment of administrative monitoring mechanisms within the police force to investigate and prevent discriminatory behaviour by police officers, taking special measures to monitor and punish police officers directly involved in human rights violations.
14. Establish evaluation mechanisms with regard to the strict observance of the right of persons subjected to any form of detention or imprisonment to be treated humanely. This change can be based on the collection of information on both the offender and the victim, disaggregated by race, colour, sex, age and place of residence. A country's internal situation and the extent to which the problem of discrimination is recognized should be taken into account in this process.
15. Review and rescind all regulatory decrees, of whatever legal origin, that are intended to regulate admission requirements for entry to public or private establishments whose purpose is to stigmatize people of African descent.
16. Urge the United Nations and the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture to explore the link between torture and inhuman or degrading treatment, and racial discrimination.
17. Encourage the media to help combat racism and discrimination by broadcasting news of specific cases of imprisonment, arbitrary or illegal detention, prolonged periods of incommunicado detention, isolation and other forms of humiliating treatment to which men and women of African descent may be subjected.
18. Urge States to encourage the media to eliminate stereotypes based on racism and racial discrimination.
19. Arrange to have databases of complaints about illegal ill-treatment, with the victim's details and circumstances, set up by the highest organs of the judicial system in each country, and adopt administrative procedures for forwarding these complaints to the relevant bar association in order to safeguard the judicial guarantees of due process.
20. Conduct awareness-raising campaigns for victims of racism in order to encourage the reporting of acts of torture during the police investigation phase.
21. Urge States to set up rehabilitation centres and programmes for torture victims in which the related issues of racial and gender-based discrimination are also studied.

Health

Recommendations to States

1. Implement effectively the paragraphs dealing with health in the final documents of the Santiago and Durban conferences.
2. Promote the collection of health data disaggregated by ethnic/racial origin since this provides a tool for analysing the relatively disadvantaged situation of populations of African descent, with a view to designing specific programmes of affirmative-action policies, and as an indispensable basis for monitoring and impact assessment.

3. Promote the development and implementation of affirmative-action health policies that are consistent with the effective exercise of human rights.
4. Ensure a balance in the design of affirmative-action policies by using various tools (focus, special programmes, risk assessment, special campaigns, limited focus, subsidies, preferences) that are suitable for the different areas of health (promotion, prevention, organization of systems and services, staff training and recruitment, and quality of care).
5. Introduce the ethnic/racial criterion into activities implemented in pursuit of the Millennium Development Goals for health: reduce by two thirds the mortality rate among children under 5 between 1990 and 2015; reduce by three quarters the maternal mortality rate between 1990 and 2015; and combat HIV/AIDS, malaria and other diseases during the same period.
6. Promote technical cooperation between countries on the above-mentioned health issues, and ensure adequate participation by the communities concerned.
7. Improve the accessibility of the special programmes to prevent and treat the health problems prevalent in African communities, including hypertension, diabetes, intrauterine myoma and, in particular, sickle-cell anaemia.
8. Adopt selection criteria that give preference to including health workers of African descent in units providing services within the health-care system.
9. Promote the design and implementation of special “double reference” programmes that strike a balance between Western medicine and the holistic knowledge typical of the “folk medicine” of communities of African descent.
10. Promote awareness-raising and training for health workers in issues of concern to the population of African descent, and encourage the participation of community leaders.
11. Encourage the inclusion of material on the health of ethnic/racial groups in health curricula.
12. Facilitate access to medicines for all.
13. Design health programmes that take account of the different age groups, paying special attention to older persons.

Recommendations to civil society

1. Civil society organizations should encourage communities of African descent to play an active role in studying and monitoring the communities’ health, and promoting a healthy lifestyle.
2. They should cooperate with the health authorities in collecting statistical information for the purpose of setting up health databases disaggregated by ethnic/racial origin.

Recommendations to the United Nations system and regional international organizations

1. PAHO and the World Health Organization (WHO) should provide officials and those responsible for developing national and regional programmes and policies with up-to-date information on the health of men and women of African descent.
2. PAHO and WHO should support studies on different aspects of the health of populations of African descent.
3. PAHO and WHO should promote inter-agency cooperation in working towards the achievement of the millennium health goals while remaining sensitive to the needs of communities of African descent.
4. PAHO and WHO should provide financial support for health projects for communities of people of African descent and communities that include a significant number of people of African descent, while ensuring the participation of the communities in the various phases (design, implementation and evaluation).

Education and cultural identity

Recommendations to States

1. Ensure the effective application of the paragraphs on education, public information, the media and the Internet contained in the final documents of the Santiago and Durban conferences.
2. Promote the collection of information on education disaggregated by ethnic group/race as a tool to determine the relative disadvantage experienced by populations of African descent, in order to formulate specific affirmative-action programmes, and also as an indispensable basis for monitoring and impact assessment studies.
3. Develop formal and informal education programmes that guarantee literacy for children and teenagers of African descent who are of primary and secondary school age.
4. Remove existing barriers and promote focused initiatives to ensure that people of African descent have access to all levels of education, with special attention to the situation of children, women and other victims of multiple or aggravated discrimination.
5. Remove obstacles and foster initiatives to ensure that persons of African descent have easy access to and remain in higher education.
6. Encourage a review of curricula and textbooks on African history and people of African descent in Latin America and the Caribbean in all cycles of formal education, taking into account distinctive national features, and ensure that such initiatives are pursued in consultation with organized civil society.
7. Establish professorial chairs in African history and culture, as well as in the history and culture of people of African descent in Latin America and the Caribbean, in their universities.

8. Promote human rights education at all levels of the education system, emphasizing the fight against all forms of discrimination and strengthening the concept of respect for the enjoyment of diversity and the shaping of inclusive societies for all.
9. Promote initiatives to support the cultural and intellectual output of persons of African descent and ensure that they have the same opportunities to promote their works as other cultural producers.
10. Promote studies to increase appreciation of oral tradition, “places of memory” and the heritage and values of communities of African descent.
11. Implement training programmes for teachers to research, study and formulate conclusions on the history and culture of communities of African descent in Latin America and the Caribbean, and programmes on human rights education and the fight against all forms of discrimination.
12. Launch campaigns to raise awareness of, publicize and disseminate African history and culture as well as the history and culture of communities of people of African descent in Latin America and the Caribbean, and campaigns focusing on human rights and combating all forms of discrimination.
13. Develop campaigns to monitor the media with a view to identifying and denouncing newspapers or independent journalists who promote negative stereotypes of people of African descent.
14. Ensure that various measures in the sphere of education are coordinated between the primary, secondary and university levels.
15. Foster consultation with civil society in formulating and developing educational programmes intended for people of African descent.
16. Strengthen informal education by stimulating the work of institutions that develop activities to promote cultural identity and organize training programmes to integrate people of African descent into the labour market.
17. Carry out studies of the drop-out rate from formal education among people of African descent, disaggregated by gender.
18. Take steps to monitor and ensure that people of African descent have access to, remain in and complete education cycles on an equal footing with others.
19. Consider the possibility of establishing quotas in universities for people of African descent, taking into account the special features of the different systems in each country.
20. Take action to encourage wider promotion of the values and culture of communities of African descent by removing any obstacles that may exist.

21. Undertake specific studies, when appropriate, on the language of communities of African descent.
22. Develop comprehensive Afrocentric early-childhood programmes to affirm cultural identity through traditional patterns of upbringing.

Religion

Recommendations to States

1. Give special consideration in future activities at the national, regional and international level to religions of African origin.
2. Recognize the central role of religions of African origin in their societies, undertaking all necessary actions to guarantee freedom of worship and eliminate religious intolerance in their societies.
3. Conduct statistical studies on the prevalence of religions of African origin and remove the legislative and administrative difficulties that believers encounter in practising these faiths.
4. Promote action to implement educational programmes at primary, secondary and university levels that take account of African history and religion, based on research by experts in African history.
5. Take steps to avoid arbitrary political interference in places of worship for religions of African origin.

Recommendations to civil society

1. Help communities to take a leading role in assessing and monitoring the education situation at the community level.
2. Cooperate with the education authorities in collecting statistical information with a view to establishing an education database disaggregated by ethnic origin and race.
3. Provide incentives for cooperation and develop forms of joint action with the private sector, taking into account existing experience in the region.

Recommendations to the United Nations system and regional international organizations

1. UNESCO should provide cooperation in researching and developing a programme for the Americas to study the history and culture of people of African descent, with the participation of experts from communities of African origin, with a view to incorporating these subjects into the school curricula of Latin America and the Caribbean.
2. UNESCO should help to organize a meeting of rectors of Latin American universities to study the Santiago and Durban declarations and programmes of action and identify affirmative action to help people of African descent to gain access to and continue in higher education, and to discuss ways of providing education free of discrimination, with input from civil society.

3. UNESCO should help to compile statistics on the presence of children and young people of African descent in educational establishments throughout Latin America and the Caribbean. The incorporation of an ethnic or racial perspective in statistics will make it possible to identify exclusionary practices and create affirmative-action mechanisms.
4. UNESCO and the Office of the United Nations High Commissioner for Human Rights (OHCHR) should carry out studies with a view to eliminating discriminatory linguistic references that are a legacy of slavery in the Americas and persist to this day, in consultation with communities of African descent.
5. UNESCO should publicize the findings of studies already undertaken and promote more research into the history and contributions made by people of African descent to the history and development of Latin America and the Caribbean, emphasizing the role of distinguished members of this community.
6. OHCHR should operate scholarship programmes to enable members of organizations and representatives of populations of African descent to obtain first-hand experience of human rights mechanisms, international mechanisms and the United Nations system.
7. OHCHR should provide training to organizations of people of African descent on matters relating to the preparation and submission of State party reports to the international human rights treaty monitoring bodies.
8. UNESCO and OHCHR should carry out studies on the relationship between slavery, colonialism and underdevelopment, taking into account the special situation of Afro-American communities.
9. Through its cooperation programmes in countries with populations of African descent, UNICEF should develop initiatives to guarantee the rights of children and teenagers in Latin America and the Caribbean.

Housing

Recommendations to States

1. Effectively apply the paragraphs on housing contained in the final documents of the Santiago and Durban conferences.
2. Effectively apply the International Convention on the Elimination of All Forms of Discrimination to the sphere of education.
3. Promote the collection of information on access to housing, disaggregated by ethnic group/race, taking account of gender as a tool for determining the relative disadvantage experienced by populations of African descent, and formulate specific affirmative-action policies and also an indispensable basis for monitoring and impact-assessment studies.

4. Take account of the special situation of people of African descent when formulating housing policies and programmes, and promote the development of specific policies and programmes for them.
5. Ensure that people of African descent have a say in the development of housing policies and programmes for their communities so that their needs and special characteristics can be taken into account.
6. Ensure that, in statistical research and in the development of housing policies and programmes for people of African descent, due weight is given to the gender perspective and the special situation of rural housing, and that environmental quality studies and impact assessments of natural disasters are carried out.
7. Take specific legal measures to combat discrimination against people of African descent with regard to access to housing, particularly rental accommodation.
8. Pursuant to ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries, establish the necessary mechanisms for the respect of cultural patterns and institutions of people of African descent.
9. Where appropriate, prepare a comprehensive register of the ancestral lands and territories of people of African descent and develop credit policies on favourable terms for the productive management of these lands.
10. Facilitate the establishment of rental guarantee funds to promote access to housing by persons of African descent, paying special attention to the situation of women, young people and single-parent households.
11. Adopt legal and judicial measures to avoid the eviction of persons of African descent on grounds involving any form of discrimination.
12. Consider incorporating the debate on affirmative-action policies for people of African descent into existing regional integration processes.
13. Ensure that rural and urban housing policies intended to benefit populations of African descent take account of the need for recreational areas in order to eliminate the serious problem of overcrowding in places where these communities reside.
14. Take all necessary steps to ensure that rural and urban housing for communities of African descent is constructed from materials that pose no danger to the normal development of children and teenagers (asbestos, lead paint and so on) by carrying out environmental-quality studies.
15. When selecting sites for housing projects for people of African descent, undertake risk-prevention and risk-management studies to ensure safety and minimize the risk of natural disasters.

Recommendations to civil society

1. Help communities to take a leading role in assessing and monitoring the situation of access to housing at the community level.
2. Cooperate with the housing authorities to gather statistical information with a view to establishing databases on access to housing disaggregated by ethnic origin and race.

Recommendations to the United Nations system and regional international organizations

1. Provide technical and financial assistance to developing countries with a view to incorporating the component of ethnic/racial origin into national housing statistics.
2. Ensure that the United Nations Human Settlements Programme (UN-Habitat) incorporates the component of ethnic/racial origin into its work and pays special attention to communities of African descent.

Follow-up

The participants in the Workshop:

1. *Concur* in emphasizing the importance of adopting evaluation mechanisms to follow up the progress made at the Santiago and Durban conferences, and to follow up the conclusions of this first workshop on affirmative-action policies for people of African descent in the Latin American and Caribbean Region;
2. *Call upon* States in the region, in cooperation with the United Nations and the relevant regional organizations, to hold a meeting of Latin American States in 2005 to assess the progress made in implementing the Santiago Declaration and Programme of Action;
3. *Invite* agencies of the United Nations system to hold meetings of experts, with broad participation of governmental and non-governmental actors, to study and evaluate strategies for the adoption of affirmative-action policies within their respective spheres of competence, and in coordination with the development and investment projects of the international financial institutions, to follow up the recommendations of this Workshop;
4. *Call upon* the Office of the United Nations High Commissioner for Human Rights to hold another workshop in the Latin American and Caribbean Region to assess the extent to which the measures to be taken pursuant to the Santiago and Durban conferences and this Workshop have been implemented;
5. *Invite* the Office of the United Nations High Commissioner for Human Rights to publicize the conclusions of this Workshop among States, agencies and NGOs;
6. *Request* States in the region to publicize the recommendations adopted, including in regional integration mechanisms of an economic and political nature;

7. *Encourage* NGOs, as far as they are able, to contribute to the strategy of publicizing the Workshop and its conclusions;

8. *Encourage* States in the region to establish standing multidisciplinary working groups, which would include official representatives and representatives of institutions and organizations of communities of people of African descent, for the purpose of drawing up national plans to implement affirmative-action measures, including the development and adoption of development projects in all areas of the State;

9. *Thank* the Government of Uruguay for its hospitality.

Appendix

LIST OF PARTICIPANTS

Experts

Doudou DIÈNE, United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Ariel DULITZKY, Representative of the Inter-American Commission for Human Rights

Candis HAMILTON, Representative of the Inter-American Commission for Human Rights

Martin HOPENHAYN, Representative of the United Nations Economic Commission for Latin America and the Caribbean

Roberto MARTINS, expert, Working Group on People of African Descent

Pastor MURILLO, Ministerio de Relaciones Exteriores de Colombia, Dirección de Derechos Humanos, Director General de Asuntos para las Comunidades Negras

Edna SANTOS ROLAND, President, Fala Preta Organization of Black Women

Cristina TORRES, Representative of the Pan American Health Organization

States Members of the United Nations

Argentina, Belize, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Panama, Paraguay, Uruguay

Intergovernmental organizations

Inter-American Development Bank, Pan American Health Organization, World Bank

United Nations bodies and specialized agencies

Economic Commission for Latin America and the Caribbean (ECLAC), Food and Agriculture Organization of the United Nations (FAO), United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF)

National institutions

Federación Iberoamericana del Ombudsman, Asociación Centroamericana de Procurador y Defensor del Pueblo, Caribbean Ombudsman Association

Other organizations

Inter-American Institute of Human Rights, The Ford Foundation, USAID

Non-governmental organizations

Asociación Ogum das Matas, Afroamerica XXI, Afrolider, Fundación para la Formación de Líderes Afrocolombianos, Aldea Centre - Saint Lucia, Alianza Estratégica Afrolatinoamericana, American Friends Service Committee, Asociación Civil Africaña, Asociación de Mujeres Afrocolombianas, Asociación para el Desarrollo de la Mujer Negra Costarricense, Asociación para el Desarrollo del Arte y la Cultura Afro-Uruguayos, Asociación Proyecto Caribe, Casa de la Cultura Indo-Afro Americana, Centro de Articulação de Populações Marginalizadas, Centro de Desarrollo Etnico, Centro de Desarrollo de la Mujer Negra Peruana, CECAU/Afroamerica XXI, Centro Cultural por la Paz y la Integración, Centro Cultural y Social Joaquín Benzina, Centro Uruguay de Melo Afroamerica XXI, Cimarrón Movimiento Nacional por los Derechos Humanos Afrocolombianos, Coalición Garifuna, CINTERFOR, Comisión de Derechos Civiles de Puerto Rico, Consejo de Estudios y Difusión de las Culturas y Religiones Africanas y Amerindias, Consejo Internacional de Educación de Personas Adultas, CRIOLA Argulacao de ONGs de Mulheres Negras Brasileiras, Espacio Afroamericano, Fala Preta Organización de Mujeres Negras, Fundação Cultural Palmares, Fundação da Criança e do Adolescente, Fundación Cultural Afrocolombiana Masai, GAJOP, gabinete de Asesorías Jurídica as Organizações Populares, Geledes Instituto de Mulher Negra, Ile Oxala Elerum, Instituto del tercer Mundo, Institución Federada Afroumbandista Ifa del Uruguay, Instituto Nacional de la Juventud, Inter-American Dialogue, International Human Rights Law Group, Mundo Afro, Núcleo Cultural Níger Okan, Organización de Desarrollo Étnico Comunitario, Penal Reform International, Proceso de Comunidades Negras de Colombia.
