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### FIFTEENTH ITEM ON THE AGENDA

## Supplementary Report: International Decade for People of African Descent (2015–24)

#### Purpose of the document

The Governing Body is invited to provide guidance with regard to the ILO's contributions to the International Decade, taking into account the current Programme and Budget and the relevant goals and targets of the 2030 Agenda for Sustainable Development (see the draft decision in paragraph 23).

**Relevant strategic objective:** Promote and realize standards and fundamental principles and rights at work.

**Policy implications:** None.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** None.

**Author unit:** Fundamental Principles and Rights at Work Branch (FUNDAMENTALS).

**Related documents:** None.



## Introduction

1. On 23 December 2014, the United Nations General Assembly adopted a Resolution<sup>1</sup> proclaiming 2015–24 as the International Decade for People of African Descent.<sup>2</sup> The theme of the International Decade is *People of African Descent: recognition, justice and development*. The main objective of the International Decade is to promote respect, protection, and fulfilment of all human rights by people of African descent, as recognized in the Universal Declaration of Human Rights, which is underpinned by the principle of non-discrimination and equality. The International Decade is expected to enable the United Nations, Member States, social partners, civil society, and all other relevant actors to join with people of African descent to take effective measures for the implementation of a programme of activities<sup>3</sup> adopted by the General Assembly in Durban in 2014.
2. The Programme of activities recognizes that the Durban Declaration and Programme of Action<sup>4</sup> is a comprehensive UN framework and a solid foundation for combating racism, racial discrimination, xenophobia, and related intolerance. It acknowledged that people of African descent were victims of slavery, the slave trade and colonialism, and continued to be victims of their consequences. Both the Programme of Activities and the Durban Declaration set out a comprehensive array of measures that States should take to address and improve the situation of people of African Descent, while the UN agencies, including the specialized agencies, are also called upon to take action in this regard within their areas of competence and budget.
3. With regard to the world of work, the Programme of Activities calls on States “to take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, in particular people of African descent, including migrants, and ensure the full equality of all before the law, including labour law, and eliminate barriers, where appropriate to participation in vocational training, collective bargaining, employment, contracts and trade union activity; access to judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions” (paragraph 23).
4. States should also “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

<sup>1</sup> United Nations General Assembly: *Proclamation of the International Decade for People of African Descent*, Resolution adopted by the General Assembly on 23 December 2013, 7 February 2014, A/RES/68/237.

<sup>2</sup> People of African descent may be defined as descendants of the African victims of the Trans-Atlantic and Mediterranean Sea slave trade. The group includes those of the sub-Saharan slave trade ... include Africans and their descendants who after their countries' independence emigrated to or went to work in Europe, Canada and the Middle East. See Commission of Human Rights: Working group of Experts of People of African Descent, Identification and Definition of “people of African descent” and how racial discrimination against them is manifested in various regions, (E/CN.4/2003/WG.20/WP.3).

<sup>3</sup> United Nations General Assembly: *Programme of activities for the implementation of the International Decade for People of African Descent*, Resolution adopted by the General Assembly on 18 November 2014, A/RES/69/16.

<sup>4</sup> World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration, 31 August to 8 September 2001, Durban, South Africa.

discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status” (paragraph 26).

5. States should “mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent” (paragraph 27).
6. The UN programmes, funds, specialized agencies and other bodies, are called, among other things, to raise awareness, assist Member States in the full and effective implementation of their commitment under the Durban Declaration and Programme of Action, collect statistical data, incorporate human rights into development programmes, including in the field of employment (paragraph 28).
7. Against this background, the present paper seeks to enable the Governing Body to provide guidance with regard to the ILO’s contributions to the International Decade, taking into account the current Programme and Budget and the relevant goals and targets of the 2030 Agenda for Sustainable Development.

## **People of African descent and the world of work: Overview**

8. Official figures indicate that there were approximately 120 million people of African descent living in Latin America in 2010,<sup>5</sup> another 42 million in the United States,<sup>6</sup> and many millions more in other continents. Whether as descendants of the victims of the transatlantic slave trade and slavery or as more recent migrants, they face a series of discrimination issues that confine them to a great extent to a situation of poverty and exclusion. Although statistical data is often lacking, there is sufficient evidence showing inequality faced by people of African descent with regard to access to education and vocational training, continuing or increasing high unemployment rates, over-representation in low-skilled and informal jobs, low representation in top management,<sup>7</sup> as well as in leadership positions in workers’ and employers’ organizations.
9. Marginalization and exclusion experienced by women and men of African descent is not merely the result of individual instances of discrimination in the process of recruitment, but also relates to structural discrimination towards people of African descent which is, sometimes, deeply rooted in societies, including labour market institutions and policies. Poor enforcement of existing laws, limited access to the judiciary, lack of qualitative and quantitative data disaggregated by race or ethnic origin, weak or limited representation in collective bargaining, absence of adequate affirmative action policies together with inadequate access to education and training reinforce their disadvantages. In some cases, although access to education is granted to all, including people of African descent, this does not translate in an equal access to employment or to employment of the same

<sup>5</sup> United Nations: *Operational Guide for implementation and follow-up of the Montevideo Consensus on population and development*, LC/L-4061(CRPD.2/3), 21 September 2015, p. 134.

<sup>6</sup> US Census Bureau: *The Black Population: 2010*, p. 3 accessed 5 February 2016 at <https://www.census.gov/prod/cen2010/briefs/c2010br-06.pdf>.

<sup>7</sup> ILO: *General Survey on the fundamental Conventions concerning the rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008, ILC.101/III/1B (p. 320, para. 766).

quality.<sup>8</sup> Moreover, the lack of successful education outcomes and the consequent difficulties to access employment and adequate incomes have a negative impact on children of African descent, which may result also in child or forced labour.<sup>9</sup>

- 10.** In Latin American and the Caribbean, people of African descent, along with indigenous peoples present the worst economic and social indicators and are, to a large extent, the poorest people of the region. While indigenous peoples and people of African descent are often addressed as two separate categories in the region, several countries have included both groups into the notion of “indigenous and tribal peoples” within the meaning of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).<sup>10</sup> Statistics show a high degree of illiteracy among persons from these groups, who tend to be mostly occupied in the informal economy performing low-skilled and poorly remunerated jobs. Moreover, their rate of unemployment tends to be greater than that of the population as a whole.<sup>11</sup> For example, in Brazil, unemployment is 50 per cent higher among people of African descent than European descendants and the average monthly income of European descendants is nearly double that of Afro-Brazilians.<sup>12</sup> In Panama, the rate of unemployment for people of African descent, particularly young people, is above the national average, and in addition to encountering barriers in recruitment processes, people of African descent may experience racist bullying once in work.<sup>13</sup> In Honduras, an estimated 71 per cent of indigenous peoples live below the poverty line.<sup>14</sup>
- 11.** The situation is no different in other parts of the world. In the United States, the annual median income of households occupied by people of African descent in 2012 was US\$33,321, compared with the national median at \$51,017.<sup>15</sup> Furthermore, in 2014, 25,482 cases of employment discrimination based on race were filed by people of African descent on the basis of unfair dismissal and terms and conditions of employment, as well as harassment.<sup>16</sup> In the Netherlands, there is an under-representation of people of African descent in senior positions in both the public and private sectors, and Surinamese and

<sup>8</sup> Association for the development of the Costa Rican black women and national network of African Costa Rican youth: *Alternative report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Costa Rica*, June 2015, p. 12 and ff.

<sup>9</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its eleventh session: Mission to Portugal*, 13 August 2012, A/HRC/21/60/Add.1, p. 10.

<sup>10</sup> Such as Plurinational State of Bolivia, Colombia, and Honduras, inter alia.

<sup>11</sup> Inter-American Commission on Human Rights *The situation of people of African descent in the Americas*, 2011, OEA/Ser.L/V/II, p. 18.

<sup>12</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its fourteenth session: Mission to Brazil*, 4 September 2014, A/HRC/27/68/Add.1, p. 4.

<sup>13</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its twelfth session: Mission to Panama*, 21 August 2013, A/HRC/24/52/Add.2, p. 10.

<sup>14</sup> The International Fund for Agricultural Development *Enabling poor rural people to overcome poverty in Honduras*, 2011, p. 2.

<sup>15</sup> EEOC: *African-Americans in the American Workforce*, 2015, p. 1, accessed on 25 Jan 2016 at [http://www1.eeoc.gov/eeoc/statistics/reports/american\\_experiences/african\\_americans.cfm?renderf orprint=1](http://www1.eeoc.gov/eeoc/statistics/reports/american_experiences/african_americans.cfm?renderf orprint=1).

<sup>16</sup> EEOC: *African-Americans in the American Workforce*, 2015, p. 2 accessed on 25 Jan 2016 at [http://www1.eeoc.gov/eeoc/statistics/reports/american\\_experiences/african\\_americans.cfm?renderf orprint=1](http://www1.eeoc.gov/eeoc/statistics/reports/american_experiences/african_americans.cfm?renderf orprint=1).

Dutch Antillean migrants face rates of unemployment three times higher than that of white Dutch people.<sup>17</sup> In Portugal, people of African descent are often found performing manual labour and are rarely in decision-making positions.<sup>18</sup> According to the latest available figures in the United Kingdom for 2011, 50.1 per cent of black or black British young people not in full-time education, and 43.5 per cent of mixed ethnic background young people not in full-time education are unemployed.<sup>19</sup> More recently the situation of workers of African descent in Europe has been overshadowed by that of migrants, including irregular migrants of African descent, who also encounter strong difficulties in finding employment. In some countries, irregular migrants from Eastern Europe are steadily replacing the work done by irregular migrants of African descent, as they are less visible and less likely to be spotted by the relevant authorities.<sup>20</sup>

12. Countries are continuously taking measures to improve the situation of people of African descent, with varying results. Some have adopted national action plans,<sup>21</sup> special measures or affirmative action as well as measures for the improvement of race and ethnicity statistics to reduce invisibility. In 2013, for example, Uruguay adopted an Act concerning measures to promote participation of people of African descent in education and employment, and Chile adopted a bill recognizing people of African Descent as an ethnic group.<sup>22</sup> Similarly, in Honduras, a strategic plan for the comprehensive identity-oriented development of the indigenous and Afro-Honduran peoples (2011–22) was adopted.<sup>23</sup> Nonetheless, in spite of generally good legislation and policies in force in many countries, there is still a marked decent work deficit in all regions affecting indigenous workers and those of African descent, and this is even more pronounced for women and youth from these groups who are often confronted to multiple discrimination.

## ILO action

13. Promoting full and productive employment and decent work necessarily implies that discrimination, including the multiple discrimination faced by women in particular, must be effectively addressed and that stereotypes be overcome. It requires efforts to obtain a deeper understanding of the scale and nature of racial discrimination in the labour market; increased efforts to advance the effective application of the relevant ILO Conventions; and sustained efforts to lift barriers to decent work and inclusion in the labour market on conditions of equality, including in the rural economy. The realization of all fundamental

<sup>17</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its sixteenth session: Mission to the Netherlands*, 20 July 2015, A/HRC/30/56/Add.1, p 11.

<sup>18</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its eleventh session: Mission to Portugal*, 13 August 2012, A/HRC/21/60/Add.1, p. 9.

<sup>19</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its twelfth session: Mission to the United Kingdom of Great Britain and Northern Ireland*, 5 August 2013, A/HRC/24/52/Add.1, p. 7.

<sup>20</sup> United Nations General Assembly: *Report of the Working Group of Experts on People of African Descent on its eleventh session: Mission to Portugal*, 13 August 2012, A/HRC/21/60/Add.1, p. 9.

<sup>21</sup> National Action Plan for Afrodescendants (2015–18) of Costa Rica.

<sup>22</sup> CEACR, Chile, observation on Convention No. 111, 2013.

<sup>23</sup> *Plan Estratégico de Desarrollo Integral con Identidad de los Pueblos Indígenas y Afrohondureños* (2011–22). CEACR, Honduras, direct request on Convention No. 169, 2014.

principles and rights at work is a pre-requisite for social justice. The collective voice of women and men of African Descent, and their adequate representation in decision making processes are essential for progress.

14. The principle of equality and non-discrimination is embedded in the ILO Constitution, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, the 2008 ILO Declaration on Social Justice for a Fair Globalization, and a range of International Labour Standards, including fundamental Conventions on equality and non-discrimination, as well as the Conventions on migrant workers, domestic workers and indigenous and tribal peoples. Addressing discrimination is a key aspect for interventions under Outcome 8 of the Programme and Budget on protecting workers from unacceptable forms of work. In addition, gender equality and non-discrimination have been identified as one of the cross-cutting policy drivers and are to be promoted and applied in actions under all policy outcomes, including through a focus on disadvantaged groups such as people of African descent, as appropriate.
15. The ILO is therefore in a unique position to make concrete contributions to the implementation of the International Decade's programme of activities through its Decent Work Country Programmes, using all means of action available at its disposal, from ratification and implementation of international labour standards including through its Supervisory mechanisms to technical cooperation.

### **Awareness-raising**

16. In Brazil, the Office has been working closely with the UN team responsible for coordinating the International Decade's programme of activities to implement the "Verses of freedom" project aimed at empowering boys and girls of African descent through education. Numerous awareness-raising campaigns, plans and activities have been developed in support of people of African descent, resulting in the theme being accorded a key importance in ILO's technical assistance programme in the country. The Office will also sign a Memorandum of Understanding in the first half of 2016 with the Government and other partners to build a network to support additional activities within the framework of the International Decade.

### **Strengthening dialogue around fundamental principles and rights at work**

17. A project in Colombia aimed at strengthening the capacity of tripartite dialogue institutions to promote fundamental principles and rights at work for Afro-Colombians has accomplished significant results. The results include the strengthening of an institution to reduce racial discrimination in the workplace, and the development of national and departmental action plans to address the employment needs of women, young people and Afro-Colombians.
18. The Office will actively implement recommendations emanating from project evaluations, with a focus on strengthening national institutions to promote ethnic and racial equality at the workplace. For instance, the Office will continue to support ongoing activities in Peru, Plurinational State of Bolivia and Brazil, including capacity building for government officials, and members of employers' and workers' organizations on developing and implementing workplace policies to promote ethnic diversity.

## Building reliable statistics and data collection

19. The Office recognizes that reliable data provide the basis for developing suitable policy responses, and for measuring their effectiveness in redressing and preventing discrimination. To address disparities in access to health, education and employment for people of African descent, the relationship between discrimination and poverty and social exclusion must be studied and addressed. Against this background, the Office has embarked on a multi-phased process to develop an ILO methodology for measuring discrimination at work, building on its prior experience generating global estimates of child labour and forced labour.<sup>24</sup> The first phase, which is currently underway, is the development of indicators that can be used to track the outcomes of discrimination on various grounds, including race and ethnicity, which will be a key priority ground as the Office's work under this long-term initiative moves forward. Related to this, the Office is preparing a guidance note to assist staff to address multi-forms of discrimination when designing interventions. Capacity building for collecting disaggregated data as called for under Sustainable Development Goal (SDG) 17<sup>25</sup> will be crucial for monitoring and developing policy responses, as is also envisaged under the strategy for action concerning indigenous and tribal peoples endorsed by the Governing Body at its 325th Session.<sup>26</sup>

## Capacity building

20. The Office has developed and disseminated a step by step guide<sup>27</sup> for constituents on promoting and valuing ethnic diversity in the workplace through the design, implementation and monitoring of a workplace ethnic diversity policy. The guide provides a framework that can be adapted to regional and national realities, variations in sector and enterprise size as well as throughout supply chains where applicable. Within the framework of the International Decade, and with a view to further promoting the tool and making it more accessible to a wider audience, the Office is currently discussing its integration into ILO's Training Centre's curriculum on equality and diversity.

## The rural and informal economies

21. The policy outcomes on the rural and the informal economies on giving a voice to rural workers provide new entry points to address the needs of groups particularly vulnerable to discrimination, including people of African descent. The development of organizations of workers from the rural economy and informal economy workers will strengthen their voice in local, sectoral, national and international forum to claim their fundamental rights, including with respect to non-discrimination in employment and occupation. The promotion of decent work for domestic workers, who in several countries to a significant proportion are women of African descent, is another area in which ILO action will contribute to the International Decade.

<sup>24</sup> This work will complement the Office's global estimates on migrant workers.

<sup>25</sup> Goal 17: Revitalize the global partnership for sustainable development.

<sup>26</sup> GB.325/POL/2.

<sup>27</sup> ILO: *Promoting Equity – Ethnic diversity in the workplace: A step by step guide*, 2014.

## International alliances

22. Finally, the ILO will seize opportunities to address the situation of people of African descent through the various multi-stakeholder alliances to achieve SDG Goal 8 on inclusive and sustainable economic growth, employment and decent work for all. The ILO is an active participant in the UN Network on Racial Discrimination and Protection of Minorities in the framework of which a Guidance Note on Racial Discrimination and Protection of Minorities has been developed. The ILO can also raise global awareness on the existence and effects of slavery through its “50 for freedom campaign” on the Forced Labour Protocol.

## Draft decision

23. *The Governing Body recalls the importance of promoting equality of opportunities as well as eliminating all forms of discrimination, as enshrined in ILO Convention No. 111, in particular, with respect to people of African descent, and requests that the Office, within its available resources, implement activities aligned with the steps to be taken by the international community and international and regional organizations to attain the objectives of the International Decade throughout this and the forthcoming Programme and Budget periods.*