

DRAFT CONCLUSIONS & RECOMMENDATIONS OF THE 20TH SESSION OF THE UN WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT (WGEPAD) LINKED TO EMPIRICAL FINDINGS OF AFRO-PHOBIA/AFRI-PHOBIA IN EUROPE

*The SDGs and the International Decade for people of African descent present opportunities for concrete action to advance the human rights of people of African descent. Structural racism, racial discrimination, Afrophobia, xenophobia and related intolerance are the root causes of inequality and must be addressed. The 2030 Agenda envisages “a world of universal respect for equality and non-discrimination “between and within countries, including gender equality, by reaffirming the responsibilities of all States to “respect, protect and promote human rights, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status.” In adopting the SDGs, the States have pledged that no one will be left behind and to reach the furthest behind first. The SDGs are clearly focusing on the needs of the poorest and most vulnerable.*

SDG Targets are implemented by state parties and regional players in order to achieve sustainable development goals; indicators are employed to monitor implementation of SDG targets by state parties. For example, failure to adequately address Afro-phobia/Afri-phobia is generally argued to be as a result of the lack of funding: e.g. significant cuts to fiscal budgets allocated to civil society in the Netherlands, Sweden and the UK (Nwabuzo, 2015). The 2030 Agenda can therefore play a vital role to play in addressing Afro-phobia. National indicators include:

- a) The majority of Global Monitoring Indicators which are harmonized across countries to ensure comparability and support global SDG monitoring; the majority of these indicators are collected across all countries;
- b) Complementary National Indicators allow country-specific challenges to be addressed; and also illustrate a trade-off exists between the need for harmonized global data substantial cost to state parties and countries’ need to ensure that data collection adheres to standards that reflect local needs and priorities” (Schmidt-Traub, 2015).

Global Monitoring Indicators (GMIs): are used for monitoring implementation of SDG targets: illustrate the importance of disaggregated equality data collection and analysis by relevant and competent regional and national public bodies, and in accordance with **UN GA Res. 68/261**. GMIs can therefore be used by: WGEPAD, ENAR, the ARDI, non-governmental organisations and other stakeholders to specifically monitor and address Afro-phobia through strategic policy interventions. I have included the WGEPAD’s Draft Conclusions (in italics) and Draft Recommendations (in bold and italics) for expediency. **E.g. SDG 1 eliminate poverty**

*Draft Conclusion: The WGEPAD is convinced that there is a clear connection between poverty and structural racism. Discrimination can both cause poverty and be a hurdle in alleviating poverty. It is not a coincidence that in countries with a history of the Transatlantic Trade in enslaved Africans, enslavement and colonialism, the poorest population group is composed of racial or ethnic minorities.*

***Draft Recommendations: The WGEPAD will consider the development of operational guidelines for use by stakeholders (Governments, UN and civil society) on how to prioritize people of African descent as a particularly discriminated group at all stages of implementation of the SDGs. The Working Group will advocate for (i) special attention to the human rights situation of people of African descent, based on analysis of disparities and specific programmes of action to address***

*gaps and improve their human rights situation; (ii) the designing of special projects, in collaboration with people of African descent and civil society, to support their initiatives.*

*The Working Group will continue to assist and facilitate the exchange of information and connect financial and development institutions with people of African descent and civil society for this purpose. It will share its country visit reports and request development and financial institutions and continue to assist Member States and people of African descent in implementation of its recommendations.*

*WGEPAD urges Member States to allocate additional investments to people of African descent in the health systems, education, and promoting equal opportunities in employment, as well as other positive measures and strategies within the human rights framework.*

*All international, regional and national organizations, including UN agencies, should have a specific mandate on people of African descent. It is essential to promote social participation and strategic partnerships with people of African descent, ensuring the representation of women, men, and the entire population concerned when designing policies and activities.*

### **SDG 3 Health and Wellbeing**

#### **Article 25, UDHR 1948 – the Right to standard of living adequate for health & wellbeing**

*The WGEPAD concludes that enslavement, colonial and post-colonial injustices as well as constant struggles with structural racism, intolerance and Afro-phobia have had direct influence on health and well-being of People of African Descent. Among many pivotal issues, special attention was given to challenges faced by People of African Descent in the area of mental health and the urgent need for adequate health care and support policies for People of African Descent. The challenges and specific risks faced by People of African Descent in regard to health should be adequately addressed by States, inter alia, through efficient health insurance schemes, targeted programs reducing maternal mortality and improving pre- and post-birth medical care, providing adequate health service in all areas, including mental health and psychological support, raising awareness of specific and culture-related health issues of People of African Descent among the public as well as medical professionals.*

Many EU states do not collect fully disaggregated statistics, which can enable identification of specific health needs of minorities, and ensure measures to address them. Moreover, although the UK’s National Health Service is exemplary in disaggregated statistical data collection and analysis, more successful policy interventions are required” to address disproportionately high rates of maternal mortality and poor mental health outcomes for people of African descent in the UK.. For example **GMI 3.2.2** indicates between 2000 and 2015 neonatal death rates were lowest in Developed Regions (ECOSOC, 2017 but it is claimed “African women have the highest rates of stillborn children in the UK”. (ECOSOC, 2016) states “all maternal deaths occur in low-resource settings and can be prevented.

**GMI 3.4.2** indicates males in “Developed Regions” were twice as likely to commit suicide, than their counterparts in the “Least Developed Countries”, in 2015 (ECOSOC, 2017). Furthermore, **GMI 3.9.1** “indicates a higher mortality rate per 100, 000 people attributed to household and ambient air pollution in Developed Regions, than in Latin America, Western Asia and Northern Africa, in 2012 (ECOSOC, 2017). This was substantially lower than in the Least Developed Countries many of which are populated by African diaspora communities” (ECOSOC, 2017). Environmental inequality contributes to disproportionately poor health outcomes of marginalised African diaspora

communities, as a result of environmental pollution and other social determinants of health in socioeconomically deprived areas.

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***The Working Group welcomes the efforts being conducted by PAHO/WHO regarding health for people of African descent and recommends that such work is extended to other regions and organizations.***

#### **SDG 4 Inclusive quality education for all.**

##### **Article 26, UDHR 1948 – Right to Education**

*Education is one of the most powerful and proven vehicles for sustainable development. It is a mechanism through which economically and socially marginalized peoples including people of African descent can lift themselves out of poverty. It plays a vital role in empowering women, safeguarding children from exploitation, promoting human rights and democracy, protecting the environment, and fostering tolerance and respect between people.*

Progress made in achieving more equitable educational outcomes in accordance with SDG 4 includes Art. 2 of French Loi Taubira which asserts “school curricula and research projects in the fields of history and the human sciences will accord to the subjects of the Negro slave trade and slavery the important place they deserve”. A representative of Le CRAN has stated it has been instrumental in successfully advocating for educational curricula which is more inclusive of the cultural heritage of PAD in France including in French overseas departments such as Guadeloupe and Martinique. Similarly in the UK the Equality Challenge Unit’s Race Equality Charter Mark promotes more inclusive curricula and equitable standards in recruitment and career progression of staff and students to higher educational institutions. Implementation of Target 4b makes provision for scholarships to study abroad; by December 2016 1% of the budget for the Joint (AU-EU) Valletta Action Plan was spent in this way in comparison with much higher spending e.g. in the prevention of irregular migration.

*The stark reality is that people of African descent continue to suffer from many multiple, aggravated or intersecting forms of discrimination. As a result, educational outcomes for people of African descent are much more a function of their unequal access to key educational resources, including skilled teachers and quality curriculum. There is copious evidence that in some States, students of African descent routinely receive dramatically different learning opportunities based on their social status. This poses a fundamental challenge to Goal 4, which aims at ensuring an “inclusive and equitable quality education” for all. Intimately connected to the right to education is the right to work. With poor educational outcomes at all levels in addition to racial discrimination, people of African descent are unable to secure decent work.*

***States must ensure that people of African descent have access to quality education which enables them to compete at an equal footing with others in the labour market. States must acknowledge the persistence of structural racism and multiple forms of discrimination within the education system and must therefore put in place appropriate legislation and affirmative action policies to***

***tackle the problem. School curriculum for all should take into consideration an accurate account of history of Transatlantic Trade in enslaved Africans, enslavement, and colonialism.***

***States should ratify international agreements related to the fight against racism and discrimination in education. To this end, the Working Group calls for the universal ratification of the International Covenant on Economic, Social and Cultural Rights (1966) as well as its Optional Protocol, approved in December 2007 by the United Nations General Assembly, and the UNESCO Convention against Discrimination in Education.***

#### **SDG 5 Gender equality for women and girls.**

*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. Women of African descent face discrimination in all areas of life and their specific human rights concerns must be addressed.*

UNCTAD projects “undertake 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). UNCTAD’s approach to promoting sustainable development clearly illustrates the holistic experience required of the 2030 Agenda whereby impact is created by implementing various targets. Global Monitoring Indicators as well as regional, national and local monitoring are meant to facilitate accountability. For example **GMI 5a and 5b** include monitoring the proportion: of ownership of total agricultural land by gender: of women among owners or rights-bearers of agricultural land, by type of tenure: countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control (IAEG-SDGs, 2017).

**Targets 5.2, 8.7 and 16.2** combat human trafficking, especially for women and children included in the 13% of Joint Valletta Action Plan projects dealing with prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings, in the year to December 2016. Despite this more deaths of Africans have occurred in the Mediterranean in 2017 than for the previous period last year; and allegations of the inhumane conditions of detention in Mediterranean destination and transit countries were made by at least one organisation participating in the research study.

***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.***

#### **SDG 8 Decent employment and economic growth**

##### **Article 23, UDHR 1948 - the Right to adequate employment**

Eurofound’s report on income inequality: does not include fully disaggregated equality data as advocated by UN GA Res. 68/261: fails to strategically address inequality as a result of racial or ethnic discrimination, which marginalises African diaspora communities in the EU.

Narratives of organisations working in the Mediterranean, and other European countries indicate qualifications and experience of African migrants within labour markets are often not recognised; e.g. it is claimed 51% of working age Afro Europeans in Belgium are unemployed.

**Target 8.8** aims 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 2016, unemployment rates monitored by **GMI 8.5.2** were less for adult and youth males in sub Saharan Africa than in Developed Regions in 2015 according to (ECOSOC, 2017).

*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.*

**SDG 10** reduce inequality within and between countries.

“Growing income inequality in the EU from the onset of the current global economic crisis (...) due to rising unemployment levels (...) among workers” (Eurofound, 2017).

*The Working Group is convinced that there is a clear connection between poverty and structural racism. Discrimination can both cause poverty and be a hurdle in alleviating poverty. It is not a coincidence that in countries with a history of the Transatlantic Trade in enslaved Africans, enslavement and colonialism, the poorest population group is composed of racial or ethnic minorities.*

**Target 10.1** of the 2030 Agenda requires state parties progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average by 2030 (ECOSOC, 2016). ENAR is at the starting line in regional monitoring of **GMI 10.1.1** i.e. growth rates of household expenditure or income per capita among the bottom 40 per cent of the population and the total population, in relation to racial or ethnic origin in the EU.

*The eradication of structural racism is key for attaining the SDGs. This is further underlined in the Durban Declaration and Programme of Action, which emphasizes that "poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty".*

Although **Target 10.2** aspires to “empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status by 2030; **GMI 10.2.1** makes no mention of racial or ethnic origin for monitoring inequality. Migration and integration policies therefore impacts both migrants & citizens of African heritage: e.g. invisibility due to lack of fully disaggregated statistics to monitor outcomes for key social indicators such as health. Cyprus, Greece and Malta report that the term ‘migrant’ is used to describe all Black people, even if they are born in those countries and have a European citizenship. (ENAR, 2015)

**GMI 10.3.1** and **GMI 16.b.1** both monitor “the proportion of population reporting (...) in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (IAEG-SDGs: 2017). This illustrates an example where nine of the two hundred and thirty two indicators in the global list of SDG indicators repeat under two or three different targets.

**Target 10.7** facilitates orderly, safe, regular and responsible migration and mobility of people, through implementation of well-planned migration policies; **GMI 10.7** monitors implementation of planned and well-managed migration policies. 16% of the JVAP budget spent on strengthening logistical and operational capacity of authorities of countries of origin, and enhancing dialogue

between countries of origin and destination on returns, readmission and reintegration (von Martius, 2017).

**Target 10c** on lowering the costs of transmitting remittances

*The Working Group concludes that growing income, wealth and other forms of inequalities are threats to social stability. Without change, growing inequalities and segregation disrupt our societies and people of African descent are the first victims. The eradication of structural racism is key for attaining the SDGs. This is further underlined in the Durban Declaration and Programme of Action, which emphasizes that "poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty".*

**SDG 16 build effective, accountable and inclusive institutions at all levels.**

*The Working Group regrets that people of African descent generally do not enjoy peace and security as a result of structural discrimination endemic within the criminal justice system. They do not have access to effective justice. They are subjected to racial profiling, police violence, and are disproportionately incarcerated with impunity.*

**Article 2, ICERD 1965** asserts state parties: should pursue policies to eliminate racial discrimination by appropriate measures including: c) governmental, national and local policy reviews, to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination. **Article 2(2)** asserts “states should ensure the adequate development and protection of (...) full and equal enjoyment of human rights and fundamental freedoms” (OHCHR, 1965). In addition **Article 5** asserts state parties: undertake to prohibit and eliminate racial discrimination: guarantee everyone’s right to equality before the law without distinction as to race, colour, or national or ethnic origin. With this in mind, regional implementation of common standards of non-discrimination and equality as highlighted by **Target 16.3**, promotes the rule of law at the national and international levels to ensure equal access to justice for all, irrespective of racial, ethnic or national origin. E.g. **GMI 16.3.2** indicates between 2012 and 2014 approximately 20% of overall prison population in Developed Regions were detained without conviction, in contrast with in excess of 40% of the corresponding population in Developing Regions (ECOSOC, 2017). Notwithstanding, people of African descent are disproportionately represented in prison populations. Belgium, UK and France are examples of European states with disproportionately high rates of PAD incarcerated by the criminal justice system. ***Taking advantage of the International Decade for people of African descent, States must cut mass incarceration of people of African descent in half by 2024, at the very least.***

**ECRI General Policy Recommendation No. 7:** defines direct and indirect discrimination on the grounds of racial or ethnic origin: integrates ICERD 1965 and RED 2000 in its provisions. Implementation of **Target 16.a:** asserts all states strengthen relevant national institutions so as to prevent violence and combat terrorism and crime: highlights the importance of adopting a holistic approach to achieving the 2030 Agenda, including community participation in decision making. **GMI 16.a.1** monitors the existence of independent national human rights institutions in compliance with the Paris Principles: and highlights an increase between 2000 and 2015 in the number of countries in the Developed Region which were in compliance. However, the narratives collected in the research study 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.

**Target 16.b** “promotes and enforces non-discriminatory laws and policies for sustainable development” (IAEG-SDGs, 2017): e.g. the ARDI has been proactive in advocating adoption of the concept of Afro-phobia in anti-discrimination rhetoric in the European Parliament. Moreover, bearing in mind the EU’s competencies around ant-discrimination practices, “the ARDI advocates replication of the Dutch government’s Plan of Action in other EU states, including financial grants, and monthly/annual events to increase visibility of PAD and give them voices”. However narratives from the research study indicate that even within states where there is anti-discrimination legislation such as the UK and Eire, people of African descent have been subjected to racist violence and discrimination without adequate redress from the law.

***In order to advance the SDGs, States must provide effective, accountable and inclusive public institutions which must, inter alia, effectively protect the human rights of people of African descent. The Working Group is recommending community-based monitoring of the SDGs. Grassroots organizations can become active partners for change.***

***Include opportunities for national, regional, and international civil society organizations to submit reports on progress of the SDGs in countries for which they have the expertise and experience and to participate in intergovernmental review processes at the regional and international levels.***

## **SDG 17 Partnerships to achieve the SDGs**

*The International Decade for people of African descent aims at raising the issue of the historical, economic, political and cultural non-recognition of the people of African descent who were victims of the Trans-Atlantic trade in enslaved Africans, enslavement and colonialism. It also aims to deconstruct racism. The International Decade offers the possibility of bringing together States, civil society, multilateral institutions, to elaborate ways to effectively address the fundamental basis of knowledge and rights of people of African descent. The Agenda 2063, adopted by African Union and rooted in pan-Africanism and African renaissance is also an important reference in this regard.*

ECOSOC’s report includes no data monitoring implementation of **Target 17.18** i.e. fully disaggregated equality data collection (including by migratory status) in Developed Regions between 2010 and 2015; no record of disaggregated equality data is provided for this region which includes North America and EU states with sizeable African diaspora populations e.g. the UK , France and Mediterranean countries. Notably the number of Least Developed Countries being monitored for **Target 17.18** recorded an increase in the corresponding period: e.g. an increase in the “number of sub Saharan African countries with a national statistical plan (...) by source of funding: (ECOSOC: 2016). GMI 17.18.3 monitors states with a national statistical plan that is fully funded and under implementation: twenty EU states are claimed to have statistical plans under implementation, of which half are fully funded (ECOSOC, 2017).

*The role of civil society in the work of the Working Group remains critical. The Working Group noted that civil society reported common manifestations of structural racism, racial discrimination, xenophobia, Afro-phobia and related intolerance faced by people of African descent. The Working Group seeks to strengthen its engagement with civil society to further enhance its work by exploring innovative ways including the use of modern technology to allow wide participation of people of African descent.*

*States should make a genuine commitment to the standard of “leaving no one behind,” by collecting disaggregated data. To monitor the implementation of the SDGs, it will be important to improve the availability of, and access to data and statistics disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts to support the monitoring of the implementation of the SDGs. The SDGs indicators should include the use of data from the existing mechanisms for monitoring compliance with human rights standards, especially the Universal Periodic Reviews (UPR) of the Human Rights Council and reviews on compliance with the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) 1965.*

*WGEPAD will consider contributing to a baseline study on data about people of African descent, including the collection of disaggregated data in accordance with human rights principles of participation, disaggregation, self-identification, transparency, privacy and accountability. The study will be followed with an expert meeting on the importance of data collection on people of African descent to close the gaps and address the inequalities and discrimination that they face.*

## SUMMARY

State parties in “Developed Regions” have failed in sufficiently reducing Afro-phobia; and in enforcing provisions of anti-discrimination norms such as ICERD 1965 and RED 2000, for inclusive achievement of the 2030 Agenda and thematic objectives of IDPAD. Moreover, reports of Afro-phobia were narrated by organisations even in some countries such as the UK and Eire where domestic legislation prohibits discrimination on grounds of racial, ethnic or national origins. State parties in “Developed Regions” as well as “Developing Countries” should therefore be held accountable for monitoring implementation of SDG targets in accordance with **UN GA Res. 68/261** i.e. fully disaggregated equality data collection and analysis, for strategic policy interventions to address Afro-phobia.

Civil society, academia and other stakeholders have a vital role to play through community participation in decision making to achieve more successful outcomes for the 2030 Agenda and IDPAD. This includes advocacy for: disaggregated equality data collection to plan and monitor implementation of inclusive global, regional and national policies: IDPAD’s Programme of Action and thematic objectives. **UN GA/HRC/RES/34/33** establishes a forum on people of African descent, and the regional meeting for Europe will be held in November 2017.

Collaborations between ENAR and other stakeholders: e.g. the European Parliament’s Anti-Racism & Diversity Intergroup (ARDI) to secure parliamentary work in addressing Afri-phobia/Afro-phobia: to lobby regional public bodies e.g. the African Union & Council of Europe to protect universal human rights of people of African descent.

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