

## Guidance Note

# How to effectively implement the right to participate in public affairs: **A SPOTLIGHT ON PEOPLE OF AFRICAN DESCENT**





UN Photo: 2023 Permanent Forum on People of African Descent

**For people everywhere, the ability to influence and shape their futures is critical. To this end, international human rights law enshrines the right to participate in public affairs without discrimination. Its effective implementation is key to building and preserving trust, an essential element for societies to be able to inclusively confront challenges and agree on ways forward without leaving people behind.**

## **An urgent need for targeted State action**

Despite the leadership and persistent advocacy by people of African descent which has resulted in their demands being placed on national, regional and international agendas, people of African descent continue to be marginalized and excluded from decision-making processes, including those that directly affect them. Barriers to their meaningful participation in public affairs are inextricably linked to daily experiences of systemic racism in every area of life. Systemic racism persists in part due to a failure to fully reckon with the legacies of enslavement, the trade in enslaved Africans and colonialism, and has been mutually reinforced through cycles of structural discrimination and inequalities that have lasted for generations. This historical context is so entrenched that concerted efforts are needed to ensure the effective participation of people of African descent.

Recognizing that the meaningful, inclusive and safe participation of people of African descent is a prerequisite to achieving vibrant democracies and advancing towards transformative change for racial justice and equality, this note aims to:

- Give new impetus to States to fulfil their obligation to facilitate meaningful, inclusive and safe participation of people of African descent, at all stages of decision-making

- Bring visibility to the specific challenges faced by people of African descent regarding effective participation
- Serve as a tool for people of African descent and their organizations within and across countries and regions to make their voices heard and to ensure their concerns are acted upon

It focuses on the right to take part in the conduct of public affairs in non-electoral contexts - a broad concept that covers all aspects of public administration, and the formulation and implementation of policy at all levels, from local to global.

The note, contained in an annex to [A/HRC/54/66](#), is grounded in international human rights norms and standards and draws on consultations convened by the Office of the United Nations High Commissioner for Human Rights (OHCHR), notably with people of African descent from different regions. It builds on past and ongoing findings of United Nations human rights mechanisms, and should be implemented in conjunction with detailed recommendations elaborated in the [guidelines for States on the effective implementation of the right to participate in public affairs](#).

## Why is participation important?

Meaningful, inclusive and safe participation enables the advancement of all human rights. It is key to an effective democracy, the rule of law, social inclusion, and economic and sustainable development, and essential for reducing inequalities and social conflict. As a means for empowering individuals and groups and ensuring that different voices are heard, it is a core element of human rights-based approaches aimed at eliminating marginalization and discrimination. OHCHR has found that greater transparency, structured listening and real two-way dialogue builds legitimacy, ownership, and trust in State decisions.

When people of African descent are actively engaged in local, national, regional and international initiatives, they bring their lived experiences and expertise to shape decision-making processes, including the design, implementation and evaluation of laws, policies, programmes and processes, notably those that affect them. Policymaking without this active engagement foregoes a specific form of expertise and may lack legitimacy. Their participation - through online or in-person consultations, surveys, public hearings, working groups, multi-stakeholder committees and other forums - allows authorities to deepen understanding of specific issues and helps to identify gaps, such as the disparate impact of legislation, policies and programmes on people of African descent. It also provides legislative, policy and programmatic options that can lead to structural changes to address contemporary forms and manifestations of racism and racial discrimination and related legacies of enslavement and colonialism. This in turn informs decision-makers and ensures that all members of society are served without discrimination.

**Photo by Unsplash:** Christina Wocintechat

## What are the barriers and challenges?

Historically and today, movements for freedom and rights led by people of African descent have catalyzed global conversations about justice and human rights that have shaped the international human rights framework that we rely upon today. Specifically, participation by people of African descent, alongside civil society and community action, has been instrumental to developing national action plans against racism, bringing about legislative and policy changes, revising school curricula, undertaking measures to address legacies of enslavement and colonialism and much more. These gains have been achieved, however, in the face of considerable challenges.

As highlighted by people of African descent, in particular during consultations, barriers and challenges to meaningful, inclusive and safe participation take many forms.

“Meaningful, inclusive and safe participation enables the advancement of all human rights. It is key to an effective democracy, the rule of law, social inclusion, and economic and sustainable development, and essential for reducing inequalities and social conflict.”



## A wider context of systemic racism

- Multiple, intersecting and interconnected manifestations of **systemic racism**, often expressed in pervasive, harmful and degrading racial stereotypes, prejudice, bias and violence obstructs the effective enforcement of the right to participate without discrimination for people of African descent. Historically, policy, legislative and legal spaces have enabled racial hierarchy and successive racially discriminatory practices, which persist despite broad-based commitments to reform. As such, individuals are denied their fundamental rights to equality and non-discrimination - basic principles underpinning equal participation.
- **Socioeconomic marginalization** experienced notably in housing, employment, health, education, poverty and access to land, shapes the lives of many people of African descent in different countries. People of African descent also face system-wide, disproportionate and discriminatory impacts in their encounters with **law enforcement and the criminal justice system**.
- In some countries, the **absence of data, disaggregated by race or ethnic origin**, and other issues such as denial of identity documentation and minority status reinforces the historical, social and structural invisibility of people of African descent.
- **Intersectional and inclusive approaches are limited**, with insufficient action to ensure participation is inclusive of individuals who are exposed to multiple and intersecting forms of discrimination and voices that encapsulate the full spectrum of identities, experiences and views – such as those of women, youth, older persons, persons with disabilities, LGBTQI+ people, religious and linguistic minorities, migrants, people with lower socio-economic status, people living in rural areas and other groups of African descent.
- **Political and public participation** of people of African descent also affects participation in non-electoral contexts. These other forms of participation are affected by lower-than-average voter registration rates alongside restrictive voting laws and measures that disproportionately affect or effectively target people of African descent in some countries. Some people of African descent report difficulties in penetrating political parties and insufficient financial support for campaigns.
- People of African descent are **underrepresented in elected and other decision-making bodies**, with unequal access to opportunities, resources and power.



Photo by Unsplash: Desola Lanre Ologun

## Specific barriers and challenges to effective participation of people of African descent

### ● **LACK OF A SAFE AND ENABLING ENVIRONMENT:**

Often, participatory processes do not provide a safe and enabling environment that empowers people of African descent to share their knowledge and expertise. People of African descent sometimes face racial abuse and discrimination in participatory spaces, and, more generally, violations of other rights that are a prerequisite for the exercise of their right to participate in public affairs, notably the right to equality and non-discrimination, freedoms of opinion and expression, including access to information, and of peaceful assembly and association. This occurs in a context in which civil society actors of African descent face surveillance, harassment, intimidation, arrest and violence. In addition, politicians of African descent report being subjected to racial abuse and violence, online and offline, with women politicians of African descent exposed to particularly heinous attacks.

### ● **CURSORY PROCESSES:**

Spaces and structures for people of African descent to access information, to engage in consultation, dialogue, and partnership, and for co-drafting, notably of policies which affect their lives, remain limited. Where in place, processes can be tokenistic, one-off or cursory, not lending themselves to genuine consultation and limiting possibilities for exerting influence. People of African descent often find and experience that their views and proposals are discredited and/or dismissed, and their knowledge and experience insufficiently considered, including in the design and implementation of policies for eliminating racism. Feedback is frequently not given to participants on how their inputs were used.

### ● **INSUFFICIENT IMPACT:**

When the outcomes of participatory processes fail to encompass concrete and robust actions that people of African descent have proposed, it leads to frustration and fatigue, and undermines confidence and trust in structures or processes established to facilitate participation. It further diminishes the likelihood of actions taken following such processes resulting in significant improvements in the lives of people of African descent.

### ● **INADEQUATE MODALITIES RESTRICTING ACCESSIBILITY:**

Participatory processes are frequently not made accessible to people of African descent. In particular, limited modalities of participation can affect their ability to meaningfully participate. This can be due to relevant material and information about processes not being made available and restrictions on which languages can be used to contribute in, for example. Limited access to information and communication technologies (ICT), the location of in-person meetings and associated travel and other costs can also hinder participation.

### ● **LACK OF RESOURCES AND CAPACITY:**

Typically, there is no financial or other support for taking part in consultative processes - for example for travel or other costs and time off from work. This particularly affects people of African descent whose voluntary participation in these processes is additional to their employment or other responsibilities, when processes are organized during working hours or without considering childcare responsibilities. Generally, people of African descent are rarely given the opportunity to identify up front which measures would empower them - through education, capacity-building and training, for example in engaging with authorities. There is seldom recognition that these needs vary among different communities of African descent within and across countries and regions, and among the diverse identities existing within them.

## What should States do?

Show greater political will, accelerate the pace of action and eliminate obstacles to effective participation

### States should develop tailored responses at the national level to ensure the participation of people of African descent, including by:

- Taking steps to address the specific challenges and lived experiences of people of African descent with regard to the effective exercise of the right to participate in public affairs, taking into account the **adverse impacts of systemic racism** and the need to confront past legacies and deliver reparatory justice through a multi-pronged, comprehensive and intersectional approach, grounded in international human rights law.
- Adopting **special measures and institutional arrangements** to promote and ensure equal representation and participation of people of African descent, adapted to the national context and accompanied by other participatory programmes, with particular attention to **women, youth and other groups of African descent**, who face specific, unique and compounded challenges.
- Developing - with the participation of people of African descent - **specific formal and permanent mechanisms** that enable sustained participation, particularly of women and youth of African descent.
- Providing an **adequate budget and human resources** to ensure meaningful, inclusive and safe participation processes.
- Ensuring **diversity and inclusion** in participatory processes, including as a means to integrate intersectional approaches which reflect the lived experiences of women, youth and other groups of people of African descent when developing laws, policies and programmes.
- Cultivating **long-term and authentic engagement** with people of African descent by ensuring these measures are not cursory approaches that convey the perception of public participation without meaningfully guaranteeing legitimacy or investing in the benefits and opportunities of effective participation.

- Raising **awareness** among people of African descent of the importance of their active participation in public and political life, including developing and implementing targeted **civic education and capacity building programmes** for people of African descent, which take into account specific challenges, including language barriers, in order to empower their active participation in public life.
- Organizing education and **training programmes** to improve the political, policy-making and public administration skills of public officials and political representatives of African descent.
- Systematically collecting and analyzing **data** on participation by people of African descent, further disaggregated by factors such as sex, gender and age – with strict safeguards and in accordance with international human rights law – and produce evidence-based research to inform policies and strategies to enhance their effective participation.
- Respecting and guaranteeing the right to **prior consultation** of communities of African descent, where relevant, when adopting or implementing measures that affect their rights.



Photo by Unsplash: Christina Wocintechchat



## Create a safe and enabling environment, offline and online

- Where **all human rights**, in particular prerequisite rights such as to equality and non-discrimination, freedoms of opinion and expression, including access to information, and of peaceful assembly and association, are **fully respected**.
- Where people of African descent are **adequately represented in political and public life** in comparison with their respective share of the overall population.
- That **values and takes into account the contributions** of people of African descent – including by promoting greater knowledge and recognition of and respect for the culture, history and heritage of people of African descent through research and education – and ensures that they are empowered and equipped with the knowledge and capacity necessary to claim and exercise their rights.
- That recognizes how **exclusion and injustice** toward people of African descent **harm all members of the community and society more broadly**.
- That tailors **channels for participation and outreach to their needs**.
- That recognizes the **legitimate and vital role of civil society actors** of African descent and protects them, in particular women, from threats, acts of intimidation, attacks, reprisals, and harassment, including hate speech and violence.
- Where the right to participate in public affairs is recognized as a continuum that requires **long-term commitment of public authorities, political will and a shift in mindset** regarding the way of doing things.
- With a legislative and regulatory framework that upholds an **independent and diverse media and online space** that is inclusive, representative, and protective of people of African descent and the issues they face, and that ensures that media do not perpetuate negative stereotypes.

## Key recommendations at different stages of decision-making

**People of African descent should be able to participate from an early stage and at all stages of decision-making. Public authorities should give genuine consideration to the contributions of people of African descent throughout the different stages.**

### Participation before decision-making

- Notify people of African descent across communities and identities where a proposed project, plan, programme, law or policy is likely to affect them or where they might have a particular interest in the subject-matter so that they can participate. Such notification should be timely, adequate, and effective, taking into account barriers to access, such as language.
- Enable people of African descent to participate in shaping the agenda and modalities of decision-making processes to ensure that their priorities and needs are reflected in the identification of the subject matter, content, and format for discussion, as well as in the planning and budgeting stages.
- Allow people of African descent sufficient time to prepare and make contributions before and during decision-making processes.

### Participation during decision-making

- Maximize transparency and tailor formats and information regarding modalities and other aspects so they are accessible to people of African descent, especially women and youth, in a manner that takes into consideration barriers to access.
- Allow for submissions of any information, analysis, and opinions to public authorities through various modalities of participation, such as through the use of ICT and other online tools and in-person – with equal weight given to all contributions.
- Enhance capacity of public officials on meeting facilitation, data collection and reporting, bearing in mind the needs of people of African descent.

### Participation after decision-making

- Provide information on the outcome of participation processes in a timely, comprehensive, and transparent manner. Such information should include feedback on how contributions were considered.
- Involve people of African descent in the implementation, monitoring and evaluation phases.
- Ensure equal and effective access to justice and effective remedies by competent judicial authorities for violations of the right to participate in public affairs.

Without adhering to these standards and principles, participation is likely to be perceived as tokenistic and result in decision-making that is divorced from the lived experiences and expertise of people of African descent, thereby failing to meet the obligations and commitments of States to guarantee the right to participate in public affairs and bring about transformative change towards racial justice and equality.





# Key international human rights norms and standards relating to the right to participate in public affairs

The [Universal Declaration of Human Rights](#) laid the foundations of the right to participate in public affairs by setting out the rights to take part in government, directly or through freely chosen representatives; to equal access to public service; and to periodic and genuine elections by universal and equal suffrage and by secret ballot. (Article 21)

The [International Convention on the Elimination of All Forms of Racial Discrimination](#) provides that States Parties undertake to prohibit and to eliminate racial discrimination and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, including in relation to the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage; to take part in the Government as well as in the conduct of public affairs at any level; and to have equal access to public service. (Article 5)

The [International Covenant on Civil and Political Rights](#) defines the obligations of States parties with regard to the right to participate in public affairs, including the rights to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections by universal and

equal suffrage and secret ballot; and to have equal access to public service. It guarantees the rights in the Covenant without distinction of any kind, such as race, colour, or national or social origin, among other prohibited grounds. (Articles 25 and 2)

The [Durban Declaration and Programme of Action](#) recognizes the right of people of African descent to participate freely and in equal conditions in political, social, economic and cultural life. It further calls on States to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives.

The [International Decade for People of African Descent](#) reiterates the call on States to adopt measures to enable their full, equal and effective participation.

The [Declaration on the Right to Development](#) highlights the right to participate in, contribute to, and enjoy economic, social, cultural and political development, and the duty of States to formulate appropriate national development policies on the basis of active, free and meaningful participation. (Articles 1(1) and 2(3))

## FURTHER RELEVANT INTERNATIONAL HUMAN RIGHTS RESOURCES

- Human Rights Committee [General Comment No.25](#) on ‘the right to participate in public affairs, voting rights and the right of equal access to public service (Article 25)
- Committee on the Elimination of Racial Discrimination General Recommendations [No.32](#) on ‘the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination’ and [No.34](#) on ‘racial discrimination against people of African descent’
- [Guidelines for States on the effective implementation of the right to participate in public affairs](#)
- [Agenda towards transformative change for racial justice and equality \(A/HRC/47/53, its annex and accompanying conference room paper A/HRC/47/CRP.1\); A/HRC/51/53; and A/HRC/54/66.](#)
- [Protecting Minority Rights – A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation \(HR/PUB/22/6\).](#)

**Cover Photos by Unsplash:**  
Prince Akachi  
Gift Habeshaw  
Eduardo Dorantes  
Eye for Ebony  
Patricio  
Jessica Felicio  
Terricks Noah  
Jeffery Erhunse  
Myeyeslamp Wey  
Topsphere Media  
Dave Smith



Palais des Nations,  
CH-1211 Geneva 10, Switzerland  
[www.ohchr.org](http://www.ohchr.org)

**2023**