

### **Note by the Secretariat**

1. Attached herewith is the compilation of proposals submitted by delegations at the second substantive session of the Preparatory Committee under each of the five sections of the draft outcome document of the Durban Review Conference corresponding to its structure as contained in decision PC.2/8 of the Preparatory Committee. During the discussions held under the coordination of five facilitators from 8 to 16 October 2008, the Preparatory Committee was able to conclude the first reading and began the second reading of this compilation of proposals. The compilation is thus a document in progress reflecting the state of negotiations on the draft outcome document as at 16 October 2008.

2. In its decision PC.3/9 of 17 October 2008, the Preparatory Committee decided to establish an intersessional open-ended intergovernmental working group and mandated it to continue and finalize the process of negotiations on and drafting of the outcome document of the Durban Review Conference on the basis of this compilation and any further contributions, and to report thereon to the third substantive session of the Preparatory Committee.

**Compilation of paragraphs proposed during the 6<sup>th</sup> and 7<sup>th</sup> meetings held on 8 October 2008 (p.m.) and 9 October 2008 (a.m. or subsequently in writing) for use in the drafting process of the outcome document of the Durban Review Conference**

*Paragraphs re-arranged as suggested by the facilitator and reflecting the suggestions from delegations on 13 October 2008 (p.m.) and 14 October 2008 (a.m.)*

**SECTION ONE**

**Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance**

**Facilitator: Mr. Osita Anaedu (Nigeria)**

## TABLE OF CONTENTS

A. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance .....	4
B. Victims of racism, racial discrimination, xenophobia and related intolerance .....	11
C. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels.....	21
D. Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels .....	29
E. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance .....	33

### Explanations:

*During its second substantive session from 6 to 17 October 2008, the Preparatory Committee of the Durban Review Conference was able to discuss paras. 1-146 of the present section.*

**[Text]** = Bracketed text which is contentious among delegations

{Subheading} = Informal clustering for information purposes, i.e. not to be retained in agreed text

\* = Where asterisks occur in the text, it denotes that Member States will propose language

**A. SOURCES, CAUSES, FORMS AND CONTEMPORARY  
MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION,  
XENOPHOBIA AND RELATED INTOLERANCE**

1. [Notes with concern the increase in the incidence of racism while both the old and new manifestations persist.]
2. [Notes also with concern the increase in incidents of defamation of religions, a phenomenon involving racism, racial discrimination, xenophobia and related intolerance that is developing in the current political and ideological context and its most serious manifestation in the form of increase in Islamophobia.]
3. [Reiterates further that discrimination on multiple grounds of religion, ethnicity or culture further affects the enjoyment of basic human rights.]
4. Considers that the poverty and social exclusion affecting various sectors of society in the countries of our region are cross-cutting themes relating to the various forms of discrimination, [such as by ethnic or racial origin, gender or disability.]
5. 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;
6. [Reiterates that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries and emphasize the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas [to make the right to development a reality]: Debt relief; Poverty eradication; Building or strengthening democratic institutions; Promotion of foreign direct investment; Market access; Intensifying efforts to meet the internationally agreed targets for official development assistance transfers to developing countries; New information and communication technologies bridging the digital divide; Agriculture and food security; Transfer of technology; Transparent and accountable governance; Investment in health infrastructure tackling HIV/AIDS, tuberculosis and malaria, including through the Global AIDS and Health Fund; Infrastructure development; Human resource development, including capacity-building; Education, training and cultural development; Mutual legal assistance in the repatriation of illegally obtained and illegally transferred (stashed) funds, in accordance with national and international instruments; Illicit traffic in small arms and light weapons; Restitution of art objects, historical artifacts and documents to their countries of origin, in accordance with bilateral agreements or international instruments; Trafficking in persons, particularly women and children; Facilitation of welcomed return and resettlement of the descendants of enslaved Africans; \*]
7. Emphasizes the seriousness and depth of the resurgence of manifestations of racism and xenophobia, both old and new, and stresses that a vigorous and consensual response from the international community is, in the light thereof, urgently needed;

8. Also acknowledges the existence of manifestations of xenophobia that require special attention from the authorities;
9. Further acknowledges the obligation upon the authorities to take action to prevent and eradicate practices and manifestations of xenophobia;
10. Reaffirms the need to reject and condemn all manifestations of racism, racial intolerance, xenophobia and related intolerance in all parts of the world and to combat those manifestations wherever they occur;
11. [Recognizes that colonialism and slavery have been the prime sources and manifestation of racism, racial discrimination, xenophobia and related intolerance and the people of Asian decent were victims of colonialism and continue to be victims of its consequences;]
12. [Reiterates that slavery and the transatlantic slave trade are, and should always have been, a crime against humanity; notes that the transatlantic slave trade has contributed to the modern-day legacy of the alienation, poverty and social exclusion of peoples of African descent, and calls upon States to take urgent action to make available actual and fitting resources, compensation, redress and other measures at the national, regional and international levels for peoples of African descent;]
13. Acknowledges the suffering caused by colonialism and affirming that, wherever and whenever it occurred, it must be condemned and its recurrence prevented,
14. Acknowledges those States that have made formal apologies to the victims of colonialism and past historic injustices to achieve healing and reconciliation;
15. Recalls that:
  - (a) slavery and slave trade are a crime against humanity and should always have been so, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance;
  - (b) colonialism has led to racism, racial discrimination, xenophobia and related intolerance;
  - (c) appreciate the few expressions of regret or remorse or apologies or payment of reparations or restitution of cultural artifacts that have been forthcoming in the past eight years since the adoption of the DDPA;
16. Stresses that the issue of contemporary forms of slavery needs to be given greater prominence and priority if these practices are to be eradicated once and for all;
17. Condemns the fact that slavery and slavery-like practices still exist today in some parts of the world;
18. Recognizes the individuals, groups and nations affected by policies and practices, such as colonialism, slavery and ethnic cleansing, that are based on theories of racial or national superiority, hatred and distinction as to race, colour, descent, or national or ethnic origin as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance;
19. Recognizes the enduring and tragic impact of the slave trade, which is a crime against humanity, particularly the African people and its successive generations,

20. Urges states to take immediate measures as a matter of priority to end such practices which constitute flagrant violation of human rights;

21. Recognizes that victims of slavery and slavery-like practices are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel slavery and slavery-like practices;

22. Expresses concern at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world;

23. Acknowledges the importance of making progress in eradicating the manifestations of racist and xenophobic behaviour and in respecting human dignity at borders of countries, particularly during the performance of border check;

24. Countering anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;\*

25. Stresses that every State must ensure the protection of human rights of all individuals within its territory and subject to its jurisdiction, without discrimination of any kind, including in particular on the basis of national origin;

26. Expresses concerns at the absence in some countries of legal protection for migrant domestic workers which entails the risk of human rights violations;

27. Deplores the persistence in some parts of the world of xenophobic attitudes and negative stereotyping of non-citizens including by law enforcement officials and in the media, that have led to xenophobic violence and killings targeting refugees and migrants;

28. Recognizes the need to strengthen efforts toward fighting against illegal migration and smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse;

29. Urges States who have not yet done so to adopt and enforce new legislation in order to provide protection to migrant domestic workers, particularly women domestic workers, and to give access to migrant workers in domestic service to mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on states to promptly investigate and punish all abuses, including ill-treatment;

30. Recognizes the need for a comprehensive and balanced approach in dealing with migration issues, including by strengthening international dialogue on migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between management of migration and the promotion of development;

31. Recognizes with deep concern the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers, and, conscious of the very specific situation faced by them, invites States to use all means to improve their inclusion and to strengthen efforts to prevent and combat discrimination against them;

32. [Expresses deep concern at the persistence of manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers and emphasize the urgent need to develop effective policies and implementation mechanisms for their full achievement of equality;] {suggested to be moved to subsection I. B.}

33. Notes, however, the continued existence of inequality and non compliance with specific obligations in the promotion and protection of equality at the national, regional and international levels,

34. Draws attention to the impact of counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial, ethnic, national and religious profiling;

35. (The 2007 progress report to the GA presented by Independent Expert for the SG Study on Violence against Children highlights how, although there were a number of initiatives aimed at addressing the root causes of violence, including discrimination, there continued to be a lack of data and research of violence against children and its root causes and the efforts to address violence against children continued to be mainly reactive, focusing on symptoms and consequences. Strategies to address underlying factors such as discrimination were still fragmented and with insufficient resources. Further, the Committee on the Rights of the Child and other treaty bodies, as well as special procedures have continued to highlight de facto and de jure discrimination against children belonging to vulnerable groups, including girls, children belonging to ethnic, religious, linguistic and other minorities, children with disabilities, children living with HIV/AIDS, children in need of alternative care, children living and/or working in the street, refugee or internally displaced children, migrant children or children of migrant parents, children in contact or in conflict with the law, indigenous children, etc.) \*

36. Emphasizes the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia as contemporary forms of racism as well as racial and violent movements based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities;

37. Stresses the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas and also stresses that it is inhuman and degrading that such areas are “no-rights zones” for non-citizens in general and for immigrants and asylum-seekers in particular;

38. Calls upon the Durban Review Conference to demonstrate the political will to confront those phenomena, and acknowledges that a failure of the Durban review process would, above all, pave the way for intensification of worrying racist and xenophobic trends, namely, the upsurge in racist violence and the political use of racism and its intellectual legitimization;

39. Regrets deeply the attempts at the intellectual and scientific legitimization of racism and in particular the revival of stereotypes against Africans;

40. Acknowledges that intellectual and political resistance to multiculturalism is one of the root causes of the resurgence of racist and xenophobic violence. Rejection of diversity has led to negation of the very humanity of the immigrants, foreigners and minorities. The most serious manifestation of racism is the democratic legitimization of racism and xenophobia in the guise of defending 'national identity or preference'. No country, religion or minority should be discriminated on the grounds of its race, colour and creed.

41. Notes that ~~As regards the debate of contemporary forms of racism,~~ some of the most worrying trends since 2001 include racio-religious profiling and discrimination, defamation of Muslims, their faith and beliefs, incitement to religious hatred and its concomitant effects on multiculturalism, national and international peace and stability as well as human rights of the affected communities.

42. Agrees ~~with the Special Rapporteur on Racism~~ that defamation of religions cannot be dissociated from a profound reflection on the trends of racism, racial discrimination, xenophobia and related intolerance that are developing in the current political and ideological context.

43. Shares the ~~Special Rapporteur's~~ assessment that the most serious manifestations of defamation of religions are the increase in Islamophobia and the worsening of the situation of Muslim minorities around the world. He has mentioned three main developments in this context; a) the stereotypical association of Islam (and Muslims) with violence and terrorism; b) the determination to impose restrictions on manifestation of Islam including construction of mosques and its minarets; and c) monitoring and surveillance of places of worship, culture and teaching of Islam.

44. Recognizes with deep concern the overall rise in instances of intolerance and violence directed against members of many religious and other communities including religious minorities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

45. Acknowledges that the most disturbing phenomenon is the intellectual and ideological validation of Islamophobia. When it is expressed against migrants it takes the form of religio-ethnic or religio-racial tones, when it is expressed in the form of defamation of religions, it takes cover behind the freedom of expression and when it is expressed in the form of profiling. It hides behind the war against terrorism. Believes that association of terrorism and violence with Islam or any other religion including through publication of offensive caricatures and making of hate documentaries would purposely complicate our common endeavours to address several contemporary issues including fight against terrorism and occupation of foreign territories and peoples.

46. Besides strengthening discrimination against Muslims, this insidious association is preventing Muslim communities from practicing their religion freely or integration in the society, in many countries. Discrimination on multiple grounds of religion, ethnicity or culture further affects enjoyment of their basic human rights including economic, social and cultural rights. Durban Review Conference, therefore, must look into this contemporary manifestation of racism and seek proscription of this practice through legal and administrative measures. As the existing national laws and courts have failed to address the issue, internationally binding normative standards need to be devised that can provide adequate guarantees against defamation of religions and religious intolerance. \*



47. Condemns all forms of racism, racial discrimination, xenophobia and related intolerance, including all forms intolerance based on religion or belief;
48. Welcomes measures to address the phenomenon of multiple and aggravated forms of discrimination;
49. Double or multiple forms of discrimination is said to increasingly affect some individuals and groups. In this regard, CERD has had numerous occasions to address this issue, in particular on the ground of gender and race and on the ground of race and religion and has for instance reminded that all persons should enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin.\*
50. Welcomes the introduction of specific offences to fight racially and religiously aggravated violence, harassment and criminal damage;
51. Condemns all forms of discrimination and all other human rights violations based on sexual orientation;
52. Expresses deep concern that all forms of discrimination and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of and women;
53. Strongly condemns all acts of violence, whether these acts are perpetrated by the State, private persons or non-State actors, in particular against women and girls;
54. Calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women;
55. Expresses concern over the persistence of institutionalised social intolerance and discrimination practised against many in the name of religion or belief;
56. Expresses its concern at the increase in anti-Semitic ideas and violence in many parts of the world and urges States to take appropriate action to end the dissemination of anti-Semitic ideas including through the media, school curricula or by political platforms;
57. Recognizes that there have been increasing risks of stereotyping Muslims and other groups and expresses its commitment to combat this phenomenon;
58. Expresses regret that fight against racial and religious hatred is increasingly being used as pretext legitimising impermissible limitations to freedom of expression;
59. Condemns any advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence;
60. Underlines the challenges and obstacles to changing discriminatory attitudes and gender stereotypes, and stresses that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women;
61. Recognizes that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences;
62. Deplores the numerous occurrences of internal conflicts and inter-ethnic and intra-religious or communal violence, including those that appear to be based on tribal

lines which have led to casualties and killings, torture, massive displacement, rape and destruction of property and infrastructures, war crimes, crimes against humanity and genocide;

63. Deplores also the use of Government aligned or organised irregular militia to oppress, murder and displace ethnic populations;

64. Emphasizes that among the multiple factors of a situation that might lead to genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, there are the resurgence of systematic discrimination, the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence and serious and systematic violation of human rights;

65. Stresses the need for all States which engaged in such practices to acknowledge the grave human suffering caused by colonialism and slavery and the heinous racist acts committed in the context of colonialism and the slave trade;

66. Recognizes that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices;

67. Condemns manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and stress the need for fair, just and equitable treatment of migrants in society and in the workplace;

68. Emphasizes that racist ideologies based on race, colour, descent, or national or ethnic origin as well as on culture, religion and language are responsible for fomenting, promoting and spreading racial discrimination, xenophobia and stereotyping;

69. Confirms that lack of respect for cultural diversity in most societies leads to racism and increased discrimination;

70. Expresses deep concern at the use of new information technologies, such as the Internet, to propagate racial hatred, xenophobia, racial discrimination and related intolerance and that children and youth have access to this material;

71. Condemns all political platforms and systems based on racism, xenophobia or doctrines of racial superiority and discrimination which are incompatible with democracy and transparent and accountable governance;

72. Reaffirms that a foreign occupation founded on settlements, its laws based on racial discrimination with the aim of continuing domination of the occupied territory, as well as its practices, which consist of reinforcing a total military blockade, isolating towns, cities and villages under occupation from each other, totally contradict the purposes and principles of the Charter of the United Nations and constitute a serious violation of international human rights and humanitarian law, a new kind of apartheid, a crime against humanity, a form of genocide and a serious threat to international peace and security;

73. Reiterates further that racism, racial discrimination, xenophobia and related intolerance manifest themselves in an aggravated and differentiated manner for women and girls, causing their living standards to deteriorate, generating multiple forms of violence and limiting or denying them the benefit and the exercise of their

human rights, and in this regard urge States to consider this phenomenon in formulating of strategies and programmes against racism, racial discrimination, xenophobia and related intolerance;

74. Notes with deep concern the widening use by some groups and organizations of the opportunities provided by print, audio-visual and electronic media as well as scientific and technological progress, such as the Internet, to promote racist and xenophobic propaganda aimed at inciting societies throughout the world to racial hatred and in this connection urge all Governments to take necessary measures against such incitement;

75. Reaffirms that racism, racial discrimination, xenophobia and related intolerance need to be addressed both in times of peace and during armed conflict, and note that States and the international community should be especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;

76. Reiterates that freedom from discrimination on the ground of race is a fundamental principle of international humanitarian law and urge all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law prohibiting adverse distinction;

77. Stresses the need of raising global awareness about the repercussions, manifestations and consequences of all the racist practices of the occupying powers and any of their acts that stem from racist ideology;

78. Revanchism is one of the root causes of the contemporary forms of racism, racial discrimination, xenophobia and related intolerance.\*

79. Emphasizes the persistent need to address effectively all the manifestations of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice.

## **B. VICTIMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

### **{General introduction recognizing the problem}**

80. [Acknowledges that all victims of racism, racial discrimination, xenophobia and related intolerance should receive the same attention, [the same treatment] and the same protection and that there should be no hierarchy among potential victims;]

81. [Acknowledges that discrimination is a phenomenon affecting various groups in our society, such as people of African or Asian descent, indigenous peoples, migrants, persons with disabilities, women, older people, refugees, stateless persons, internally displaced persons, children, young people, Gypsies, Roma and groups facing discrimination on the grounds of religion, sexual orientation, gender identity or expression, together with victims of aggravated or multiple discrimination and persons living with infectious and contagious diseases, among others;]

82. [Expresses deep concern at the persistence of manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against

Roma/Gypsies/Sinti/Travellers [and migrants] and emphasize the urgent need to develop effective policies and implementation mechanisms for their full achievement of equality;] {suggested to be moved back to section I. A.}

### {State measures}

83. [Identifies the need for greater progress in the implementation of measures to facilitate access by victims of racism, racial discrimination, xenophobia and related intolerance to an administration of justice that ensures just and adequate reparation for any damage suffered, together with legal assistance in a form adapted to victims' special needs and vulnerability;] {suggested to be moved to section I. C.}

84. Urges States to discontinue discriminatory security practices that single out individuals or groups on the basis of their race, religion or belief, names and appearance; {suggested to be moved to section I. C.}

85. [Acknowledges that all victims should receive the same attention, the same treatment and the same protection and that there should be no hierarchy among potential victims;]

86. [Re-emphasizes the necessity for special measures or positive actions for the victims of racism, racial discrimination, xenophobia and related intolerance in order to promote their full integration into society. Those measures should include measures to achieve appropriate representation in educational institutions, housing, political parties, parliaments and employment, especially in the judiciary, police, army and other civil services, which in some cases might involve electoral reforms, land reforms and campaigns for equal participation;] {suggested to be moved to section I. C.}

87. [~~Taking note of~~ [Welcomes]/[Recalling the adoption of] resolution 61/295 of 13 September 2007, by which the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples;]

88. [Notes progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, and to ensure their exercise of such rights and fundamental freedoms on an equal footing, free of discrimination, and their full and free participation in all spheres of society, particularly in matters that affect or interest them;] {suggested to be moved to section I. C.}

89. [Also urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever possible, affirmative action

quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;] {suggested to be moved to section I. C.}

### **{People of African descent}**

90. [Identifies progress in programmes to foster racial equality [in favour of people of African [or Asian] descent], such as affirmative action programmes for access to higher education;] {suggested to be moved to section I. C.}

91. [Calls on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African [or Asian] descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas;] {suggested to be moved to section I. C.}

### **{Indigenous peoples}**

92. ~~Welcomes the adoption of the United Nations Declaration on the rights of indigenous peoples;~~ {suggested for deletion}

93. Recognizes also that indigenous peoples[, Africans and people of African descent] have been victims of discrimination for centuries and affirms that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and stresses the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;

94. [Underlines that the use of the term “indigenous peoples” should be understood in the context of the adoption of the United Nations Declaration on the rights of indigenous peoples;]

95. Welcomes the entry into force on 3 May 2008 of the United Nations Convention on the Rights of Persons with Disabilities as well as of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, {suggested to be moved into a preamble}

### **{Women}**

96. Reaffirms paragraphs 69 to 72 of the Durban Declaration and paragraphs 50 to 54 of the Durban Programme of Action and urges States to give greater attention to the effective implementation of these paragraphs.

97. [Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;]

98. Acknowledges the need to make progress in including a gender focus perspective in programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to tackle the phenomenon of multiple and aggravated discrimination against women;

99. [Urges States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the effective implementation of national legislation and obligations under relevant international instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;]

100. Urges States to promote policies to ensure equal pay for equal work between men and women, together with equal pay for work of equal value;

101. [The DPA recognizes that women can face multiple forms of discrimination and that racism, racial discrimination, and xenophobia and related intolerance do not necessarily affect men and women in the same manner. [Likewise, when reviewing, rationalizing and improving the mandate of the Special Rapporteur on violence against women, its causes and consequences, the Human Rights Council expressed deep concern that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of against girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation. Violence against women and girls, including sexual violence, motivated by racism or xenophobia is still ongoing. Since the adoption of the DDPA, credible allegations of racially motivated violence against women, including indigenous and migrant women, in different regions of the world are still received by the Special Rapporteur on violence against women.]\*]

102. Expresses deep concern at the continuing reports of grave abuses and violence committed against migrant women and children (also nationals), including gender-based violence, in particular sexual violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labour practices and exploitative conditions of work;

103. Urges States to improve efforts to promote gender mainstreaming and to fight effectively gender discriminations;

104. Stresses the need to treat all forms of violence against women and children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialised assistance to victims, including medical and psychological assistance, as well as effective counselling;

105. ~~Note~~ Recognizes with concern that instances of racism, racial discrimination, xenophobia and related intolerance lead to ~~trade in and/or~~ sexual exploitation of women and children especially girl child;

### {Migrants}

106. [Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;] [suggested to be moved to section I. C.]

107. [Observes that issues of migration are extremely significant for the region and confirms its full commitment to complying with the Durban Declaration and Programme of Action on that subject, as a powerful affirmation of the need to uphold migrants' human rights while respecting the sovereignty of States to adopt legislation that they deem appropriate; ~~and, with this in mind,~~] ]

108. [Expresses its deep concern at legislation recently passed or proposed by some countries or regional organizations that runs counter to the commitments made under human rights and migrants rights conventions established under the relevant United Nations legal instruments; ~~In that~~ in that regard, calls upon the relevant authorities to initiate comprehensive and broad-based dialogue on migration that makes it possible to identify common challenges and areas of cooperation that link the management of migration and the promotion of development;]

109. [Stresses the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas and also stresses that it is inhuman and degrading that such areas are "no-rights zones" for non-citizens in general and for immigrants and asylum-seekers in particular;]

110. [Stresses the importance of ~~p~~Protecting the human rights of migrants whether regular or irregular;]

111. [Urges States to promote and respect human rights for all, including for migrants whether they are in a [legal or illegal situation];]

112. Emphasizes that States are not only under an obligation to ensure that legislation and policies are non-discriminatory, but that they are also under an obligation to protect migrants from racism, discrimination, xenophobia and related intolerance;

113. [Recommends that further attention be given to the particular problems faced by women and children belonging to immigrant communities;]

114. Renews the call on all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, [including Asians and people of Asian descent];

115. Reaffirms the importance of paragraph 30 of the Durban Programme of Action.

116. Reiterates its request to States to promote human rights of all migrants in conformity with the Universal Declaration of Human Rights and international instruments regardless of migration status.

**{Trafficking} {Suggested to move subsection on “Trafficking” to another section}**

117. [Urges States to pass and implement legislation to combat trafficking in persons, particularly women and children, including people of African or Asian descent, indigenous peoples and other vulnerable groups, together with trafficking in migrants, taking into account the practices that endanger human lives or cause various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation, and urges States to bring into force and strengthen their legislation and national plans to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld and impunity is prevented, along with the protection of victims and the restitution of their rights, and also bolster bilateral, regional and international cooperation, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;]

118. [The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on trafficking in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to Recognizes the need to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and



with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions.]

119. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons;

120. Notes ~~with appreciation~~ the efforts of States and organisations in preventing and combating trafficking in persons and in enhancing the protection of and assistance to victims of trafficking in persons, for instance the development of action plans on best practices, standards and procedures for combating and preventing trafficking in human beings;

121. Urges States to take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialised sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including to strengthen existing legislation or to consider the adoption/enactment of anti-trafficking legislation and the adoption of national plans of action with a view, among other things to providing better protection for victims of trafficking and to punishing perpetrators through criminal and civil measures;

122. [Reaffirms the need to continue preventing, combating and eliminating all forms of trafficking in persons, in particular women and children, since victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance;]

123. Acknowledges the suffering caused by colonialism and affirming that, wherever and whenever it occurred, it must be condemned and its recurrence prevented, {suggested to be moved to general preamble}

124. [Urges States that have not done so to issue expeditiously formal apologies to the victims of colonialism and past historic injustices and to take all measures necessary to achieve healing and reconciliation;] {suggested to be moved to a different section}

125. Calls upon States to take into account paragraphs 15 to 23 of the Durban Programme of Action for its effective implementation.

**{Slavery and slave trade}**

126. [Deplores the lack of willingness of certain countries to adopt measures to end enslavement and slavery-like practices, including contemporary forms of slavery, debt bondage, slavery, sexual exploitation or labour exploitation, which constitute flagrant violations of human rights;]

127. [Welcomes the actions taken to commemorate the memory of victims of slavery and slave trade, in particular the transatlantic slave trade, and the abolition of those tragedies, [and stresses the need to similarly address the trans Saharan slave trade and the slave trade in the Indian ocean];] {suggested to be moved to section I. D.}

### {Minorities}

128. Urges States to adopt comprehensive measures relating to immigration, asylum and the situation of foreigners and national minorities that are based on their obligations under international law and relevant instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Durban Programme of Action, which attach priority to respect for their rights; {suggested to be moved to subsection on migrants or to section I. C.}

129. Urges States to guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference, and to participate effectively in the cultural, social, economic and political life of the country in which they live, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to;

130. Urges States to take, where applicable, appropriate measures to prevent racial discrimination against persons belonging to national or ethnic, religious and linguistic minorities in respect of employment, health care, housing, social services and education, and in this context forms of multiple discrimination should be taken into account;

131. Affirms that the identity to persons belonging to national or ethnic, religious and linguistic minority must be protected and that such persons should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind, including discrimination based on work and descent;

132. Expresses concern with human rights violations against [Muslims and Christians and] members of [other] religious minorities in various parts of the world;

133. Notes many efforts developed to organise frequent consultation of the representative bodies of persons belonging to minorities;

134. [Alarmed at the intellectual and political resistance to multi-culturalism which is one of the root-causes of the resurgence of racist and xenophobic violence and reiterates that rejection of diversity has led to the negation of the very humanity of the immigrant, foreigner and other racial and religious minorities.]

135. [Regrets the continued increase in Islamophobia and other forms of religious intolerance in various parts of the world as well as the emergence of new and persistence of old violent movements based on racism and discriminatory ideas against Muslims and Arab communities.]

### {Foreign occupation [and victims of colonialism]}

136. [Reiterates its concern about the plight of the Palestinian people and other inhabitants of Arab territories under foreign occupation, urges respect for international human rights law and international humanitarian law and calls for a just, comprehensive and lasting peace in the region;]

137. [~~Although 7 years have passed since the adoption of DDPA Notes~~ Condemns the fact that the Palestinian people continue to be denied the fundamental right of self determination and that, ~~in~~ in order to consolidate the occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction on movement and arbitrary closure of their territories. It further notes that illegal settlements continue to be built in the occupied territories and that ~~the~~ the Review Conference must look into the human rights situation and urge member states to implement the provisions of DDPA with a view to bring lasting peace in the Middle East.]

138. [Expresses deep concern at the plight of the Palestinian refugees and other inhabitants of the Arab occupied territories as well as ~~and~~ displaced persons who were forced to leave their homes because of war and racial policies of the occupying power and who are prevented from returning to their homes and properties because of a racially based law of return.; It ~~and~~ recognizes the right of return of the Palestinian refugees as established by the General Assembly in its resolutions, particularly resolution 194 (III) of 11 December 1948, and call for their return to their homeland in accordance with and in implementation of this right;]

139. [Re-emphasizes the responsibility of the international community to provide international protection for the Palestinian people under occupation and other inhabitants of the Arab occupied territories against aggression, acts of racism, intimidation and denial of fundamental human rights, including the rights to life, liberty and self-determination;]

140. [Recognizes the individuals, groups and nations affected by policies and practices, such as colonialism, slavery and ethnic cleansing, that are based on theories

of racial or national superiority, hatred and distinction as to race, colour, descent, or national or ethnic origin as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance;]

### {Children}

141. The Committee on the Rights of the Child issued general comments on: the rights of children with disabilities; the treatment of unaccompanied and separated children outside the country of origin; HIV/AIDS and the rights of children. Furthermore, the general comment on general measures of implementation focuses inter alia on non-discrimination. The Secretary-General Study on Violence against Children presented to the GA in 2006 highlighted how, although all children are exposed to violence, some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable. The need to address discrimination in all its manifestations is addressed in the different recommendations contained in the Study. In its dialogue with States parties from all regions, the Committee has identified, and noted with appreciation, the existence of good practices and positive initiatives, including legislation aimed at prohibiting discrimination against children belonging to marginalized groups, including children with disabilities, children infected or affected by HIV/AIDS, indigenous children and children belonging to national, ethnic, religious and linguistic minorities.\* {suggested to be moved to a different part}

142. Renews the call on all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, [including Asians and people of Asian descent]; {suggested to be moved to subsection on migrants}

### {Refugees, asylum seekers, IDPs [and stateless persons]}

143. Recognizes with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers and internally displaced persons, among others, continue;

144. Reiterates that the international response and policy, including financial assistance, towards refugee situations in different parts of the world should not be guided by considerations of race, colour, descent, or national or ethnic origin as well as on the grounds of culture, religion and language of the refugees concerned and, in this context, urge the international community to extend assistance as requested by concerned States towards resolving the refugees' situation, especially in the developing countries, through economic and financial assistance aimed at, inter alia, removing the root causes of the displacement of such people;

145. Expresses deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities; **{suggested to be moved to subsection on minorities}**

146. Expresses its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality on racial, national, ethnic or religious grounds which leads to the deprivation of their basic human rights;

**C. MEASURES OF PREVENTION, EDUCATION AND PROTECTION  
AIMED AT THE ERADICATION OF RACISM, RACIAL  
DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AT  
ALL LEVELS**

**{General}**

147. Stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion, political opinions or those of any other nature, social origin, social and economic status, level of education, status as a migrant or asylum-seeker or refugee, stateless person, internally displaced person, or person living with an infectious or contagious disease or any other stigmatized physical or mental condition, genetic characteristic, physical or mental disability or any other condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments,

**{Practical measures to confront racism}**

148. Emphasizes the importance of developing at the national and international levels an intellectual front and other practical measures to confront racism and, consequently, combating, inter alia, through education, scientific research and information ideas, concepts and images likely to cause incitement to or to legitimize racism, racial discrimination, xenophobia or related intolerance;

149. Urges States to adopt comprehensive measures relating to immigration, asylum and the situation of foreigners and national minorities that are based on international law and relevant instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Durban Programme of Action, which attach priority to respect for their rights;

150. Calls on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas;

**{Adoption of legislation}**

151. Stresses the widespread adoption of legislation to promote equality and to eradicate racism, racial discrimination, xenophobia and related intolerance, together with the amendment or repealing of legal provisions that give rise to discriminatory practices;

### **{Ratification}**

152. Urges States to consider ratifying the Convention on the Rights of Persons with Disabilities and acknowledges the importance of the relevant international instruments and the appropriateness of taking those measures required to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;

### **{Collection of Disaggregated information}**

153. Recommends that concerned States establish mechanisms through which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the criminal justice system, political participation and representation, as regards people of African descent and migrants, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

154. Notes with appreciation the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues;

155. Urges States to adopt appropriate mechanisms with a view to monitoring and measuring programmes' effectiveness and progress;

156. Acknowledges the importance of making progress in gathering data and other human development indicators disaggregated by race and ethnicity, whether by conducting censuses or by collecting, compiling, analysing and providing data at the national and local levels, which should also take into consideration such social and economic indicators as average income, access to health services, maternal and infant mortality, life expectancy, literacy rate, access to education, employment opportunities, quality of housing, land ownership and access to water, health and communications services;

### **{Education/Culture and history}**

157. ~~Promoting human rights education:~~ Recognizes that the DPA reaffirms that “education at all levels and all ages, [...] in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies”. National legislation promoting human rights education has been approved in many countries after the 2001 adoption of the DPA, particularly in order to sensitize the public at large concerning the cultural identity of traditional minorities. In Latin America, many countries have focused on promoting diversity education that centered on the teaching of indigenous and Afro-Brazilian culture and history in schools, including by a redrafting of textbooks and other educational material. In Africa, progress has been made in some contexts where human rights education was promoted as an explicit tool to foster post-conflict understanding and conflict prevention. In the Asia and Pacific region, as reported in the 13th Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, a number of States have engaged in drafting national human rights and human rights education plans of action. In Europe, intercultural education has increasingly become a central element of national policy and educational plans. This has focused particularly on the notion of cultural diversity, which has been incorporated into teacher training programmes and teaching materials.

158. Believes that human rights education is essential to the realisation of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected;

159. Calls on States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;

160. Calls on States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;

161. Reaffirms that education is the key to the promotion of respect for the racial, ethnic, cultural and linguistic diversity of societies and for promotion and protection of democratic values which are essential to prevent the spread of racism, racial discrimination, xenophobia and related intolerance;

162. Reaffirms also that education is one of the principal means of preventing and eradicating racism and racial discrimination and of raising awareness of human rights, particularly among children and young people, and in this context stress the need to amend suitably the textbooks that perpetuate racial stereotypes or encourage xenophobia;

163. Emphasizes that education and awareness-raising activities undertaken by states should aim to foster a spirit of tolerance and respect for people from different races, religions, cultures and nationalities from an early age;

164. Re-emphasizes the importance and necessity of teaching about the past and recent history of colonialism, racism, racial discrimination, xenophobia and related intolerance in order to prevent the recurrence of such policies and practices;

165. Urges States to adopt appropriate measures to ensure that persons belonging to national or ethnic, religious and linguistic minorities have access to education without discrimination of any kind and have an opportunity to learn their own language in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they may be subjected to;

### **{Prevention}**

166. Recognizes that prevention is a key element of any political strategy to combat racism, racial discrimination and xenophobia;

167. Welcomes also preventive initiatives to tackle discrimination in employment such as programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some more experiments with contract compliance and anonymous job applications;

168. Stresses the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;

169. Stresses the necessity of increasing appropriate preventive measures in order to eliminate all forms of racial discrimination, and the important role that Governments, international organizations, the media, non-governmental organizations and civil society can play in developing such measures and building confidence between different racial and ethnic groups;

170. Reaffirms also that education is one of the principal means of preventing and eradicating racism and racial discrimination and of raising awareness of human rights, particularly among children and young people, and in this context stress the need to amend suitably the textbooks that perpetuate racial stereotypes or encourage xenophobia;

### **{National strategies}**

171. Welcomes the development of national strategies to promote cohesion and tackle community tensions;

172. Notes with appreciation the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues;

173. Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance;

174. Stresses the importance of making progress in putting in place affirmative action policies in key sectors, such as access to education and employment, health and social security, political participation and investment in infrastructure that benefits communities in which people of African descent, indigenous peoples and other groups suffering from discrimination live;

175. Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;

### **{Groups: Indigenous and African descent}**

176. Notes the need to make progress in measures to provide assistance to indigenous young people and those of African descent who live in the peri-urban areas of the region's major cities and who are particularly affected by urban violence;

### **{Women and girls}**

177. Urges States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the effective implementation of national legislation and obligations under relevant international instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;

178. Calls upon States to promote social equity, gender equality and women's human rights by strengthening and promoting women's full and equal participation in the political process in their countries and in the decision-making process at all levels;



179. Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;

### **{Victims}**

180. Notes the existence and efficiency of measures regarding victims of racism, racial discrimination, xenophobia and related intolerance;

181. Recalls the commitment made by EU member states and many others in 2000 at the Stockholm International Forum on the Holocaust to commemorate the victims and to honour those who stood against it, and welcomes the Council of Europe's dedication in 2002 of an annual "Day of Remembrance of the Holocaust and for the prevention of crimes against humanity";

182. Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, color, gender, religion, national or ethnic origin especially if such measures and legislation renders a person stateless;

### **{Progress}**

183. Notes significant progress in the creation of specialized State bodies and mechanisms responsible for formulating and implementing public policies to eradicate discrimination and to promote racial equality;

184. Identifies progress in the formulation of national plans to eradicate racism, racial discrimination, xenophobia and related intolerance;

185. Notes the broadening of dialogue with non-governmental organizations and other sectors of civil society;

186. Confirms that there has been some implementation of training and educational activities on human rights from an anti-racist and anti-sexist perspective for public officials;

187. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate discrimination against persons living with HIV/AIDS;

188. Identifies progress in programmes to foster racial equality in favour of people of African descent, such as affirmative action programmes for access to higher education;

### **{Obstacles hampering progress}**

189. Notes that some of the other obstacles hampering progress in the collective struggle against racism and racial discrimination include; weak legislation and policies, lack of moral, educational and practical strategies, non-implementation of international legal framework and commitments by some, persisting impunity on different grounds such as freedom of expression, counter terrorism or national security as well as sharp increase in the extreme right wing xenophobic political platforms.

190. Some of the other normative and preventive measure that have been proposed over time during discussions on the subject of Review mechanisms include;  
a) mandatory prohibition by law to eliminate racio-religious profiling or profiling

based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance; \*

#### **{Development of new measures}**

191. Welcomes the development of new measures which improve the fight against racism and discrimination such as the situation testing in order to investigate the occurrence and extent of discrimination in different occasions;

#### **{Multicultural diversity}**

192. Also urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever possible, affirmative action quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;

193. Invites States, in their national policies, to promote the dialogue of cultures and religions to enhance the respect for the dignity of people of diverse racial origins and beliefs, for the promotion of international peace and security;

194. Reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity through cooperation and mutual enrichment in various fields of human endeavour and that the promotion of this dialogue serves as an advanced instrument for combating racism;

195. Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;

196. Notes the needs to bolster measures that promote and broaden access to opportunities for a greater and better participation by people of African descent and indigenous peoples in political, economic, social and cultural aspects of society, together with measures that ensure that national political and legal systems reflect society's cultural diversity, particularly as regards women, and acknowledge the various systems and forms of representation;

#### **{Funding civil society}**

197. Invites States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;

198. Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil societies and encouragement of political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system;

**{Incitement to religious hatred}**

199. Calls upon States to pay attention to the serious nature of incitement to religious hatred such as anti-Semitism, Christianophobia and, more particularly, Islamophobia, and to promote the fight against those phenomena by strengthening interreligious and intercultural dialogue concerning the common ethics of all religions and by adopting legislation aimed at ending impunity in this respect;

200. Stresses the need to make progress in devising and implementing appropriate measures to prevent and punish contemporary forms of racism, such as incitement to racial hatred or violence by means of new information technologies, including the internet;

**{States action}**

201. Urges states to take immediate measures as a matter of priority to end such practices which constitute flagrant violation of human rights;

202. Stresses that every State must ensure the protection of human rights of all individuals within its territory and subject to its jurisdiction, without discrimination of any kind, including in particular on the basis of national origin;

203. Urges States who have not yet done so to adopt and enforce new legislation in order to provide protection to migrant domestic workers, particularly women domestic workers, and to give access to migrant workers in domestic service to mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on states to promptly investigate and punish all abuses, including ill-treatment;

204. Calls on States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;

205. Calls on States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;

206. Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance;

207. Reaffirms the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups;

208. Urges States to adopt appropriate mechanisms with a view to monitoring and measuring programmes' effectiveness and progress;

209. Reiterates the call to the remaining States to

- a. honour the memory of the victims of past tragedies;
- b. apologize and pay reparations; and
- c. restitute art objects, historical artifacts and documents to their countries of origin;

210. Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;

**{Action at national level}**

211. Encourages the development of national capacities for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

212. Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance;

**{Institutions dealing with racism}**

213. Highlights the existence of numerous institutions dealing with racism and discrimination such as ombudsmen, national networks of anti-discrimination services, committees or agencies on racism and discrimination;

**{Awareness-raising activities}**

214. Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil societies and encouragement of political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system;

215. Emphasizes that education and awareness-raising activities undertaken by states should aim to foster a spirit of tolerance and respect for people from different races, religions, cultures and nationalities from an early age;

216. Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;

**{Employment}**

217. Welcomes also preventive initiatives to tackle discrimination in employment such as programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some more experiments with contract compliance and anonymous job applications;

**{Multiple discrimination}**

218. Reiterates that special attention needs to be given to the elaboration of strategies, policies and programmes for persons subject to multiple discrimination which combines racism and racial discrimination, xenophobia and related intolerance with other forms of discrimination;

219. Resolutely condemns any ideologies and practices based on racial discrimination or superiority which entail abuse of human rights and fundamental freedoms, and affirm that all States have the obligation to take all available measures to combat ideologies, activities and practices based on racial discrimination or superiority;

**{Other issues}**

220. Observes that issues of migration are extremely significant for the region and confirms its full commitment to complying with the Durban Declaration and Programme of Action on that subject, as a powerful affirmation of the need to uphold migrants' human rights while respecting the sovereignty of States to adopt legislation that they deem appropriate, and, with this in mind, expresses its deep concern at legislation recently passed or proposed by some countries or regional organizations that runs counter to the commitments made under human rights and migrants rights conventions established under the relevant United Nations legal instruments; in that regard, calls upon the relevant authorities to initiate comprehensive and broad-based dialogue on migration that makes it possible to identify common challenges and areas of cooperation that link the management of migration and the promotion of development;

221. Stresses that policies towards migration should not be based on discrimination on racism, racial discrimination, xenophobia and related intolerance and should be consistent with international human rights standards;

222. Reaffirms the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups;

223. Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;

224. Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;

225. Encourages the development of national capacities for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

**D. PROVISION OF EFFECTIVE REMEDIES, RECOURSE, REDRESS, AND COMPENSATORY AND OTHER MEASURES AT ALL LEVELS**

**{Access to justice}**

226. Affirms the importance of effective and independent judiciary for allowing the victims of racism to seek adequate redress;

227. ~~With regard to the issue of difficulties encountered in accessing to justice, including specific barriers related to discriminative practices, it is useful to~~ Recalls that the concept of access to justice does not only refer to the possibility of defending a case before a tribunal, but also includes the analysis of the whole system of administration of justice and the factors that impinge its functioning. It has been observed that the obstacles that impede access the justice system are often connected to discriminative practices affecting specific vulnerable groups, such as indigenous peoples, refugees, migrants, and stateless persons. These groups face difficulties in accessing justice because of different kinds of barriers, in particular cultural barriers. These groups have difficulties in understanding their rights and what is at stake in a judicial proceeding. Systems of justice are not prepared to overcome these difficulties.

228. Stresses the need to strengthen the information related to access to mechanisms for reporting complaints or providing assistance during legal proceedings for victims of racism, for instance by developing awareness campaigns or by establishing special complaints boards;

229. Recognizes that only a competent, independent and impartial tribunal established by law may determine, case by case, in a fair and public hearing whether the facts presented before it constitute an advocacy of racial or religious hatred prohibited by law;

230. Underlines the importance of combating impunity, including for crimes with a racist or xenophobic motivation, also at the international level;

231. Urges States to end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls, as well as to ensure that persons in authority who are responsible for such crimes, including by committing, ordering, soliciting, inducing, aiding in, abetting, assisting or in any other way contributing to their commission or attempted commission, are identified, investigated, prosecuted and punished;

### **{Law-enforcement}**

232. Acknowledges the need to formulate and put in place specific programmes to prevent, investigate, and, when required, bring to trial and punish acts of serious misconduct by police officers and other law-enforcement officials prompted by racism, racial discrimination, xenophobia and related intolerance;

233. Stresses the importance of taking forward investigations to consider the links between criminal trials, police violence and criminal penalties, on the one hand, and racism, racial discrimination, xenophobia and related intolerance, on the other, with a view to taking the measures required to eradicate those links and discriminatory practices;

234. Also recognizes the need to adopt, and implement strictly stringent laws, administrative measures and action plans aimed at countering all forms of racism, racial discrimination, xenophobia and related intolerance, to carry out exhaustive, timely and impartial investigations of all acts of racism and racial discrimination, to penalize those responsible according to the law and to secure prompt and fair reparation for the victims;

235. Calls on states to ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin as well as on the grounds of culture, religion and language and that non-citizens are not subjected to racial or ethnic profiling or stereotyping;

236. Recognizes that to combat racism and other forms of discrimination, Governments and law enforcement agencies need reliable information on hate crimes;

**{Multiple forms of discrimination}**

237. Welcomes the efforts deployed to adopt or improve penal or civil legislation in order to fight against racism and discrimination including multiple forms of discrimination, such as on the grounds of sex, religion or belief, disability, age, sexual orientation and gender reassignment;

238. Urges States to promote policies to ensure equal pay for equal work between men and women, together with equal pay for work of equal value;

239. Urges States to further ensure the protection of the national or ethnic, cultural, religious and linguistic identity of minorities within their territories and develop appropriate legislative and other measures to encourage conditions for the promotion of the identity, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance.

**{People of African descent}**

240. Urges States to pass and implement legislation to combat trafficking in persons, particularly women and children, including people of African descent, indigenous peoples and other vulnerable groups, together with trafficking in migrants, taking into account the practices that endanger human lives or cause various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation, and urges States to bring into force and strengthen their national plans to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld, along with the protection of victims and the restitution of their rights, and also bolster bilateral, regional and international cooperation, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;

241. Recommends that concerned States take measures to ensure that the disproportionately low levels of representation of people of African descent in the judiciary and other areas of the justice system be addressed and calls upon States to identify factors that have resulted in the disproportionate number of arrests, sentencing and incarceration of people of African descent and migrants, particularly young men, and to take immediate and appropriate measures to eliminate those factors and to adopt crime-prevention strategies and programmes that include alternatives to incarceration;

242. Also notes progress in the adoption of legislative and administrative measures, in addition to the establishment of governmental institutions and inter institutional forums to tackle racism and other forms of discrimination against people of African descent;

243. Also identifies progress made in legislation and measures adopted by States to correct inequalities in access by people of African descent to education, health, housing, justice and employment, and urges States to continue to develop and take measures to ensure full equality of access for people of African descent;

#### **{Migrants}**

244. Expresses grave concern at legislation called 'Return Directive' recently passed by some regional groups which is inconsistent with International Conventions on rights of the migrants;

245. Observes that issues of migration are extremely significant for the region and confirms its full commitment to complying with the Durban Declaration and Programme of Action on that subject, as a powerful affirmation of the need to uphold migrants' human rights while respecting the sovereignty of States to adopt legislation that they deem appropriate, and, with this in mind, expresses its deep concern at legislation recently passed or proposed by some countries or regional organizations that runs counter to the commitments made under human rights and migrants rights conventions established under the relevant United Nations legal instruments; in that regard, calls upon the relevant authorities to initiate comprehensive and broad-based dialogue on migration that makes it possible to identify common challenges and areas of cooperation that link the management of migration and the promotion of development;

#### **{Indigenous peoples}**

246. Identifies some progress in the adoption of legal and administrative measures to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities of indigenous peoples and to establish conditions for the respect thereof;

247. Notes progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, and to ensure their exercise of such rights and fundamental freedoms on an equal footing, free of discrimination, and their full and free participation in all spheres of society, particularly in matters that affect or interest them;

#### **{Reparation and compensation}**

248. Identifies the need for greater progress in the implementation of measures to facilitate access by victims of racism, racial discrimination, xenophobia and related intolerance to an administration of justice that ensures just and adequate reparation for any damage suffered, together with legal assistance in a form adapted to victims' special needs and vulnerability;

249. Calls upon States to adopt necessary measures, as provided by national law, to ensure the rights of victims to prompt, adequate and fair reparation and compensation for acts of racism and racial discrimination

250. Stresses the importance of provision for individuals to bring proceedings and claim damages under national anti-discrimination legislation;

#### **{Economic, social and cultural rights}**

251. Welcomes the adoption of legislation that addresses discrimination and victimisation in employment and training, the provision of goods, facilities and services, education, housing and public functions;



252. Recommends that States guarantee universal and effective access to medications at affordable prices, particularly those required for the prevention and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate;

**{International organisations}**

253. Takes note of the important role of the United Nations and its relevant specialized agencies such as the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the World Health Organization and others in helping States to enhance their capacity to implement the Durban Programme of Action, and invites the United Nations system and its relevant specialized agencies to exert maximum effort in providing targeted technical assistance and cooperation;

254. Urges all states that have not yet done so to consider concluding sentence enforcement, witness protection and information-sharing agreements with the international criminal tribunals and the International Court;

**E. STRATEGIES TO ACHIEVE FULL AND EFFECTIVE EQUALITY,  
INCLUDING INTERNATIONAL COOPERATION AND ENHANCEMENT  
OF THE UNITED NATIONS AND OTHER INTERNATIONAL  
MECHANISMS IN COMBATING RACISM, RACIAL DISCRIMINATION,  
XENOPHOBIA AND RELATED INTOLERANCE**

**{Democracy}**

255. Recalls that democracy is incompatible with the continued existence of racism, as is set down in resolution 2004/38 of the Commission on Human Rights,

256. Reaffirms that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

**{Reaffirmations/recognitions}**

257. Reaffirms that the basic premise of the protection of human rights is respect for the human dignity and integrity of all individuals, regardless of their racial, ethnic, religious, gender or group affiliations, and expresses concern at the growing negative impact of the trivialization of racism, racial discrimination, xenophobia and related intolerance;

258. Reaffirms also that the eradication of racism, racial prejudice and xenophobia should aim not only at promoting equality and eliminating discrimination but also at promoting interactions between ethnic, cultural and religious communities, in particular in multicultural societies;

259. Affirms that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

**{Progress}**

260. Acknowledges that some progress has been made in the programmes and measures to eradicate multiple or aggravated discrimination,[]

261. Notes significant progress in the creation of specialized State bodies and mechanisms responsible for formulating and implementing public policies to eradicate discrimination and to promote racial equality;

262. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate discrimination against persons living with HIV/AIDS;

263. Notes progress made by some States in the field of democracy, the rule of law, transparent, responsible, accountable and participatory governance but notes also many challenges to face in many parts of the world;

264. Notes progress in order to support the conduct of genuine, democratic elections by providing electoral support such as electoral assistance and election observation missions in line with best international practice;

**{ADU, DDPA, Durban Review Conference}**

265. Encourages the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights to continue working with determination in providing guidance and support to the mechanisms of the Human Rights Council to monitor the implementation of the Durban Declaration and Programme of Action;

266. Calls for the Unit to be elevated to the rank of division and strengthened with the additional resources and staff required to serve better the mechanisms established to monitor and implement the Durban Declaration and Programme of Action and for it to interact effectively with all partners, including civil society, in the global campaign to combat racism;

267. Reiterates that the Durban Programme of Action constitutes the most detailed response to those phenomena to date and underlines the importance of the Durban review process supplementing the Durban Declaration and Programme of Action in all the areas with respect to which differences were expressed following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

268. Calls upon the Durban Review Conference to demonstrate the political will to confront those phenomena, and acknowledges that a failure of the Durban review process would, above all, pave the way for intensification of worrying racist and xenophobic trends, namely, the upsurge in racist violence and the political use of racism and its intellectual legitimization;

269. Invites the Preparatory Committee to consider convening a meeting on all the aspects of the articles of the Durban Declaration and Programme of Action and resolutions 61/19 and 62/122 of the General Assembly on the transatlantic slave trade, and including its conclusions and recommendations in the preparatory process and the Durban Review Conference;

270. ~~The considers~~ Notes that the DDPA is an important milestone in the collective struggle of mankind against the scourge of racism, racial discrimination, xenophobia and related intolerances. As a result of the collective resolve expressed by the UN family in 2001 in Durban, a number of countries have taken substantial steps

to incorporate and implement the spirit of DDPA in their national policies framework. Others have worked to streamline their policies in accordance with the character of DDPA. All these steps and efforts indicate progress in many cases.

#### **{Requests to the Human Rights Council}**

271. Requests the Human Rights Council to invite religious and cultural communities to promote an in-depth intercultural and interreligious dialogue, including on joint actions on issues at the core of their faith such as peace, human rights and development and to analyse the internal factors in their beliefs, practices and relationships that may have contributed to incitement to religious hatred;

272. Requests the Human Rights Council to draw up guidelines on the collection of the disaggregated information referred to in the preceding paragraph and urges the Office of the High Commissioner for Human Rights to provide support to the States that request it for the collection of such information;

273. Urges the Human Rights Council to address the denial of genocide, as recognized by the United Nations, as an attempt to undermine the recognition of genocide as a crime under international law;

#### **{National Human Rights Institutions}**

274. Acknowledges again the importance of independent national human rights institutions and other relevant specialized institutions created by law for the promotion and protection of human rights, including ombudsman institutions, in the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law;

275. Deplores that countries in all parts of the world have not yet established independent human rights institutions and other relevant institutions; Notes progress in order to support the conduct of genuine, democratic elections by providing electoral support such as electoral assistance and election observation missions in line with best international practice;

276. Emphasizes the importance of national human rights institutions and other similar entities in the struggle against racism, racial discrimination, xenophobia and related intolerance and the need, as provided by law, for the authorities and society in general to cooperate with such institutions to the maximum extent in those countries where they do exist;

#### **{Civil society, NGOs, HRs defenders}**

277. Stresses the need to assess the progressive contribution of civil society organizations to combating racism, racial discrimination, xenophobia and related intolerance and ways and means of enhancing the role of civil society in that regard;

278. Recognizes that civil society, human rights non-governmental organisations, human rights defenders, private sector and trade unions have an important contribution to make in order to fight against racism, racial discrimination, xenophobia and related intolerance;

279. Welcomes the high valuable participation of civil society, human rights non-governmental organisations, human rights defenders, private sector and trade unions to the implementation of the Durban Declaration and the Plan of Action;

280. Recognizes that the precarious situation of human rights defenders and non-governmental organisations, including anti-racist non-governmental organisations, has not evolved in many parts of the world which undermines the fight against racism, racial discrimination, xenophobia and related intolerance;

281. Renews our commitment to create an atmosphere conducive to the effective functioning of human rights non-governmental organisations and to adhere to international obligations concerning human rights non-governmental organisations, and to lift any unlawful barriers to their effective functioning;

282. Invites civil society, human rights non-governmental organisations, private sector and trade unions to intensify their efforts to eliminate racism, racial discrimination, xenophobia and related intolerance;

283. Recognizes the important role played by civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, including by proposing and assisting Governments in the promotion and the implementation of strategies against such forms of discrimination;

284. [Civil society, including leaders of religious communities, Non-Governmental Organizations, Private sector, Youth];\*

#### **{Regional Organisations}**

285. Recognizes the valuable role played by regional organisations and institutions in the fight against racism, racial discrimination, xenophobia and related intolerance, inter alia the OSCE, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe and the European Fundamental Rights Agency;

286. Notes financial initiatives in support of the fight against racism, racial discrimination, xenophobia and related intolerance, such as the European Instrument for Democracy and Human Rights (EIDHR) which supports the UN High Commissioner for Human Rights in the implementation of existing international standards on equality and non-discrimination by financing project activities which include awareness-raising campaigns and seminars, provision of advice through technical co-operation projects with governments, and research and analysis; and the "anti-discrimination and diversity" strand of the European Community programme PROGRESS, which aims at improving the understanding of the discrimination phenomenon, supporting the implementation of EU law in this field, raising awareness and developing the capacity of EU networks active in this field (NGOs, Network of Equality bodies);

287. Invites regional organisations and institutions to step up financial and other efforts to tackle racism, racial discrimination, xenophobia and related intolerance;

288. Establishment of monitoring and reporting mechanisms: In order to monitor the implementation of international instruments, Rapporteurships on racism and discrimination, or focusing on particular vulnerable groups, have been established in some regional systems. These include the Special Rapporteur on the Rights of Persons of African Descent and Racial Discrimination; the OSCE Personal Representative on Combating Racism, Xenophobia and Discrimination also focusing on intolerance and discrimination against Christians and members of other religions; the OSCE Personal Representative on Combating Anti-Semitism and the OSCE Personal Representative on Combating intolerance and discrimination against Muslims.\*

289. Reaffirms that all human beings are born free and equal in dignity and rights, and that any doctrine of racial superiority is, therefore, scientifically false, morally condemnable, socially unjust and dangerous, and has no justification whatsoever;

290. Condemns past and current policies, practices, propaganda and organizations based on ideas or theories of racial and national superiority, hatred, discrimination and xenophobia, which are massive and flagrant violations of all human rights and fundamental freedoms, comprising civil, political, economic, social and cultural rights and the right to development;

**{Calls upon States}**

291. Invites States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;

292. Calls upon States to develop, in cooperation with multilateral organizations, internet service providers, private sector stakeholders and civil society, and taking into account the principles of multilateralism, democracy and transparency, a coordinated global strategy to formulate a voluntary code of conduct to prevent the dissemination of messages of racial hatred and intolerance;

293. Calls upon States in their reporting to the Human Rights Council to indicate measures taken to quell the elaboration and implementation of racist political programmes and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist ideas or motivations;

294. Urges States to link the fight against racism, racial discrimination, xenophobia and related intolerance with the political and constitutional recognition of, legal respect for and the promotion of multiculturalism through education, information and communication;

295. Urges States, as a matter of priority:

(a) To demonstrate a firm political will to combat the rise in racial discrimination and religious intolerance and to promote mutual respect and understanding of cultural diversity;

(b) To punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments;

(c) To pay special attention to the political use of discrimination and xenophobia, notably the ideological and electoral permeation of racist and xenophobic platforms into the programmes of democratic parties;

296. Urges States to honour their obligations under pertinent international instruments to give priority to combating racism, racial discrimination, xenophobia and related intolerance;

297. Calls also upon States to wage a systematic campaign against incitement to racial and religious hatred and to respect the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights;

298. Recalls and urges States to implement UN General Assembly Resolutions 60/7 and 61/255 which observed that remembrance of the Holocaust is critical to prevent further acts of genocide, condemned without reservation any denial of the Holocaust and urged all member states to reject denial of the Holocaust as a historical event, either in full or in part, or any activities to this end;

299. Urges States to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society, for instance by accepting electoral support proposals;

300. Stresses the need for the States to elaborate further global strategies to combat racism, racial discrimination, xenophobia and related intolerance, particularly to combat new manifestations of racism, racial discrimination, xenophobia and related intolerance in cooperation with the regional and international organizations, non-governmental organizations, individuals and communities;

301. Emphasizes the need for States to adopt educational and practical strategies, in addition to legal measures, in fighting racism;

302. Encourages Parliaments to consider addressing the issue of racism and discrimination, for instance by submitting reports containing recommendations for consolidating legislation against discrimination and proposals to enhance policies to fight racism;

303. Stresses that policies towards migration should not be based on discrimination on racism, racial discrimination, xenophobia and related intolerance and should be consistent with international human rights standards;

304. Underlines that racial discrimination condoned by governmental policies violates human rights and may endanger friendly relations between peoples, cooperation among nations, and international peace and security;

305. Expresses the view that States and other actors may require guidance and assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

306. Replicating the policy of a major destination State on the collection, compilation, analysis and publication of reliable statistical data on irregular migrants pursuant to paragraph 92 of the Durban Programme of Action so as:

(a) To assess by sector the gap between national labour demand and supply;

(b) To promote the conclusion of bilateral and multilateral labour agreements to fill this gap and thus to reduce, with a view to its ultimate elimination, irregular migration to destination States and the practice of human trafficking;\*

#### **{UN system}**

307. Reiterates further the importance of the Office of the United Nations High Commissioner for Human Rights continuing to support those African States that are in the process of establishing national institutions by providing training and resources and strongly advises African States that have not yet done so to consider establishing effective and independent national institutions for the promotion and protection of human rights;

308. Takes note of the important role of the United Nations and its relevant specialized agencies such as the United Nations Educational, Scientific and Cultural

Organization, the International Labour Organization, the World Health Organization and others in helping States to enhance their capacity to implement the Durban Programme of Action, and invites the United Nations system and its relevant specialized agencies to exert maximum effort in providing targeted technical assistance and cooperation;

309. Reiterates the importance of the recommendation made by the five independent eminent experts to follow up on the implementation of the Durban Declaration and Programme of Action that a racial equality index be developed as a tool to assess more effectively discrimination that affects people of African descent and other vulnerable groups and to guide the adoption of policies to remedy their situation;

310. Emphasizes the need for the United Nations system and its relevant specialized agencies to provide targeted technical cooperation to enhance the effective implementation of the Durban Programme of Action;

311. Calls for the United Nations human rights mechanisms, as part of the process to reform the human rights system, to establish a template for the production of their reports and questionnaires with a view to avoiding the duplication and overlapping of information, in particular with regard to racism, racial discrimination, xenophobia and related intolerance;

#### **{Genocide and international courts}**

312. Affirms that impunity for crimes of genocide and war crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention;

313. Expresses concern over the lack of willingness of certain countries to cooperate with international criminal tribunals;

314. Expresses its full support to the work of the existing international criminal tribunals and for the universal ratification of the Rome Statute of the International Criminal Court;

315. Recognizes the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed;

316. Urges all States to cooperate fully with international criminal tribunals;

#### **{Initiatives}**

317. Invites, in this context, the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requesting the High Commissioner for Human Rights in her capacity as the Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Federation and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

318. Notes with appreciation the increasing number of initiatives in order to promote intercultural dialogue, such as conferences including the 3rd ASEM Culture Ministerial Meeting held in Kuala Lumpur (22 and 23 April 2008) focused on the theme of "Cultural Diversity – Realizing the Action Plan"; actions and cooperation

programmes that have been approved and successfully implemented in the framework of the Barcelona process, including the Anna Lindh Foundation, EuroMed Audiovisual, EuroMed Heritage, the Regional Information and Communication programmes, the EuroMed Youth programme and the EuroMed Gender programme, etc.;

319. Welcomes the decisions to nominate 2008 the "Euro-Mediterranean year of dialogue between cultures" and the "European Year of Intercultural Dialogue";

320. Recognizes the valuable work done to promote dialogue, mutual understanding and respect through all existing mechanisms, such as UNESCO, Council of Europe, OSCE and the Alliance of Civilizations;

### **{Dialogue}**

321. Affirms the need to intensify engagement by all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding with a view to overcoming existing gaps in perceptions, concepts and ideas;

322. Underlines that intercultural dialogue should address political processes and challenges, be based on dialogue with civil society, promote people-to-people contacts and foster good neighbourly relations;

323. Reiterates that regional and international exchange and dialogue among youth is an important element in building intercultural understanding and respect and will contribute to the elimination of racism, racial discrimination, xenophobia and related intolerance;

324. Notes the broadening of dialogue with non-governmental organizations and other sectors of civil society;

### **{Freedoms}**

325. Emphasizes the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

326. Stresses that, as human rights are universal, interdependent, interrelated, and mutually reinforcing, the coexistence of rights does not only imply that a particular right should be seen in a restrictive manner because of the existence of another right;

327. Stresses that the right to freedom of expression constitutes one of the essential foundations of a democratic society, as it ensures individual self-fulfilment and a pluralistic, tolerant society with access to multitudes of ideas and philosophies;

328. Recognizes that sexual orientation and transgender status, and transsexualism, does not justify restricting or removing a person's basic human rights and fundamental freedoms;

### **{Africans}**

329. Pays tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid,

330. Regrets deeply the attempts at the intellectual and scientific legitimization of racism and in particular the revival of stereotypes against Africans;

### **{Communications}**



331. Information, communication and media, including new technologies: While the DPA “welcomes the positive contribution made by the new information and communications technologies, including the Internet, in combating racism through rapid and wide-reaching communication”, it also “urges States to encourage the media to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance”. While much progress is still needed, particularly in the area of self-regulation and diversity training of media professionals, important actions have taken place since the 2001. Diversity training for journalists has been promoted as a key preventive measure against negative stereotyping and discrimination. Independent media councils composed of media professionals assessing issues related to racism in the media have also been formed in many countries. In some cases, these councils have been mandated to receive complaints of racism in the media and to advise editors and publishers accordingly. The media has also been effectively used as a means to promote more balanced representation of members of minorities, who have increasing access to high visibility functions in many countries. \*

332. Underlines the existence of multiple initiatives that promote communication as a tool to fight racism such as awareness-raising campaigns, seminars and publication and diffusion of reports;

#### **{Victims}**

333. Affirms that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice and recalls again that the Holocaust must never be forgotten;

334. Invites the international community and its members to honour the memory of the victims of past tragedies and further note that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so;

#### **{Indigenous peoples}**

335. As mentioned above, progress and achievements have taken place with regard to indigenous peoples issues. Both the Permanent Forum on indigenous issues and the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people pursue their work on indigenous issues. In addition, States have concluded the negotiations on a draft declaration on the rights of indigenous peoples. The United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007 by the General Assembly.\*

336. Nevertheless, there remain daunting challenges to surpass in this battle. A series of very authentic and well researched reports by the Special Rapporteur on racism, racial discrimination and xenophobia testify the increase in the incidence of racism, while as the old and new manifestations persist. Hence the need to deal with this menace in all its forms and manifestations with all available tools at our disposal. A number of independent reports including those from the European Monitoring Centre for Racism and Xenophobia substantiate the Special Rapporteur's findings.\*

#### **{Hate crimes}**

337. Welcomes the important initiatives to combat anti-Semitism, hate crimes, racism, xenophobia and discrimination as well as intolerance and discrimination

against Muslims by the Organisation for Security and Co-operation in Europe, including the 2004 Berlin, Paris and Brussels conferences, the 2007 Cordoba and Bucharest conferences and resultant declarations;

### {Slavery}

338. Welcomes the adoption of GA Resolutions 61/19 and 62/122 related to the abolition of the Trans-Atlantic slave trade and remembrance of its victims and, in particular, the designation of 25th March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, beginning in 2008,

339. Affirms that measures to eradicate racism must be multifaceted;

### {Other}

340. Re-emphasizes the importance of international cooperation to promote (a) the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation of international treaties and instruments that forbid these practices; and (c) the implementation of the United Nations and of States' obligations in this regard;

341. Indicates that the process of globalization is a driving force whose benefits should be distributed equally in all countries, and expressing the resolve to prevent and offset the adverse effects of this process, which can include poverty, underdevelopment and cultural homogenization,

342. Acknowledges the need to allocate additional funds to implement anti discrimination policies and the significance of international cooperation and technical assistance in that area;

343. Stresses the need to assess the current situation and contribute to achieving racial equality, including through the collection and use of disaggregated statistics on various groups, the development of guidelines in that regard and the finalization of the racial equality index;

344. [Lack of disaggregated data on racial groups]\*

345. Recognizes the economic, social and cultural injustice emanating from racism, racial discrimination, xenophobia and related intolerance, and call for concerted and continuous efforts to eradicate these evils;

346. Recognizes Jerusalem as a city of reverence and religious sanctity for three major religions of the world and call for an international effort to bring foreign occupation, together with all its racial practices, to an end, especially in holy shrines dear to the three religions;

**DURBAN REVIEW CONFERENCE  
Preparatory Committee  
Second substantive session  
Geneva, 6-17 October, 2008**

**Compilation of paragraphs proposed by delegations**

*(Paragraphs are clustered as requested by the PrepCom)*

**SECTION TWO**

**Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them**

**Facilitator: Mr. Sebastian Rosales (Argentina)**

## TABLE OF CONTENTS

	<b>paras</b>
<b>I. General .....</b>	<b>1-35</b>
Effectiveness.....	1-20
OHCHR/Anti-Discrimination Unit.....	21-26
Transatlantic slave-trade.....	27-30
Other stakeholders.....	31-34
 <b>II. Mechanisms .....</b>	 <b>35-69</b>
A. Intergovernmental Working Group on the Effective Implementation of the DDPA (IGWG).....	35-37
B. Working Group of Experts on People of African Descent (WGPAD).....	38-44
C. Five Independent Eminent Experts.....	45-46
D. Ad Hoc Committee on the Elaboration of Complementary International Standards.....	47-56
E. Committee on the Elimination of All Forms of Racial Discrimination (CERD).....	57-64
F. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance .....	65-69
 <b>III. Other mechanisms .....</b>	 <b>70-81</b>
Special procedures .....	70-71
Indigenous peoples .....	72
Migrants .....	73-74
Trafficking in persons .....	75-76
Genocide .....	77-81



## General

### Effectiveness

1. Expressing its appreciation for the efforts to eradicate racism, racial discrimination, xenophobia and related intolerance made by the Committee on the Elimination of Racial Discrimination, the [Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and, in general, the special procedures of the United Nations] Human Rights Council, [in particular, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the United Nations Forum on Minority Issues, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on freedom of religion or belief, together with the United Nations Permanent Forum on Indigenous Issues] and the efforts of the Office of the United Nations High Commissioner for Human Rights [, including the Anti-Discrimination Unit and the former Sub Commission on the Promotion and Protection of Human Rights, and in particular, the Working Group on Minorities];
  
2. Also expressing its appreciation for the contributions made by the mechanisms established by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to follow up on the Durban Declaration and Programme of Action, such as the independent eminent experts' group, the Working Group of Experts on People of African Descent and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,
  
3. Acknowledges the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms [and stresses the importance of creating the necessary synergies between them];
  
4. Express appreciation for the contributions made by the mechanisms established by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to follow up on the Durban Declaration and Programme of Action, such as the Independent Eminent Experts' Group, the Working Group of Experts on People of African Descent and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action [and emphasize the need for creating necessary synergies between them];
  
5. Considers that an effective system to protect against [racism and racial] discrimination in the framework of the universal system of human rights should

improve and provide consistency between the relevant mechanisms, thereby preventing duplication and enhancing effectiveness

6. [Stresses the importance of [mainstreaming the output of ] the Durban Declaration and Programme of Action follow-up mechanisms throughout the United Nations system [, in particular its specialized agencies such as the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization];]

7. [Asserts that the multiplication of mechanisms since the Durban Conference risks to undermine the effectiveness of anti-discrimination strategies by dissipating energies, diluting the attention that fight against racism deserves and making it harder for the mechanisms to be used by outsiders. The proliferation of mechanisms can therefore be detrimental and it should be avoided. In addition, some believe that there is lack of clarity in the mandates and objectives of the existing mechanisms, with a risk of overlapping and duplication. [] Expresses that not enough attention is paid to the implementation of the DDPA at that national level and that States should be encouraged to report on the national implementation within the Durban follow-up mechanisms [, including the use of t]ools such as questionnaires are important developments in that regard. ]

8. [Effectiveness of any follow up mechanism is linked to the political will and commitment of the member states to that subject as well as the process.]

[Calls upon Governments to cooperate with and assist the follow-up mechanisms, including through responding to communications and entering into constructive dialogue with respect to follow-up and implementation of the recommendations.]

a. .]

9. [Expresses concern at the recent proliferation of mechanisms linked to racism and discrimination and the potential counterproductive effects of such a proliferation, including:

a. undermining the efficiency of efforts undertaken in the fight against racism and racial discrimination, including the mainstreaming of our efforts in the whole UN system

b. diminishing the visibility and accessibility of those mechanisms to the outside world, in particular for the victims of racism and racial discrimination

c. complicating the task of assuring coherence and coordination between all these mechanisms increasing the risk of overlap, duplication and inconsistencies



d. duplication and overlapping;]

[In view of the results achieved by these various mechanisms and of the level of cooperation of Member States with all these mechanisms, stresses the need to rationalize and streamline all Durban follow-up mechanisms with a view to ensure effectiveness, coherence, visibility and accessibility;]

10. [Emphasizes the need for increased cooperation between the Durban follow-up mechanisms and other bodies or mechanisms working on thematic issues linked to the fight against racism and racial discrimination];

11. Emphasize the need to guarantee the promotion and protection of the rights of the victims of racism, racial discrimination, xenophobia and related intolerance through the effective implementation of the DDPA as well as the agreed recommendations of its follow up mechanisms and suggest some of the ways which could help strengthen the follow up mechanisms as follows:

a. Enhanced visibility to the message of Durban Declaration and Programme of Action and its follow up mechanisms through effective media campaigns by the United Nations Department of Public Information (UNDPI) as well as national governments

b. [Effective coordination between various Durban mechanisms and their regular interaction with relevant special procedures, Committee on the Elimination of Racial Discrimination, Human Rights Council and General Assembly,]

c. [Creating necessary reporting linkages to these mechanisms by the member states on their recommendations as well as provision of information on the subjects of relevance]

d. [Follow up on the agreed recommendations of these mechanisms to be pursued by the Office of the High Commissioner for Human Rights]

e. [Relevant recommendations to be kept in mind by special rapporteurs while reporting on their respective themes /mandates. Resolutions on racism related subjects should also include and give prominence to the recommendations of these mechanisms]

f. [Relevant recommendations must also find place in the new international standards to be developed in the area of racism, racial discrimination, xenophobia

and related intolerance as well as mainstreaming the subject of racism throughout the UN system, and ]

g. Ensuring effective participation of civil society and victims of different forms of racism to ensure relevance as well as focused orientation;

12. [Requests the Secretary-General to provide the resources required for the effective discharge of the mandates of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, the independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;]

13. Urges the monitoring mechanisms related to the implementation of the Durban Declaration and Programme of Action to promote awareness, dialogue and training of public officials and/or social educationalists regarding the elimination of racism, racial discrimination, xenophobia and related intolerance with a view to contribute by promoting meetings between public officials and/or social educationalists and other activities that contribute to attaining the goals of the Durban Declaration and Programme of Action;

14. [Calls upon the Human Rights Council to grant those mechanisms increased competence in the area of follow-up, such as the power to submit additional requests for information on the implementation of recommendations and follow-up visits;]

15. [Urges the consideration of the recommendations of the Durban Declaration and Programme of Action follow up mechanisms in General Assembly and Human Rights Council resolutions thus giving those recommendations added political weight;]

16. [Stresses also the importance of incorporating the relevant recommendations of the Durban Declaration and Programme of Action mechanisms on complementary international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance;]

17.

18. [Calls for the United Nations human rights mechanisms, as part of the process to reform the human rights system, to coordinate for the production of their reports and questionnaires with a view to avoiding the duplication and overlapping of information, in particular with regard to racism, racial discrimination, xenophobia and related intolerance;]

19. Recommends also the establishment of regional mechanisms against racism and discrimination, including complaint mechanisms (former para 106);

Former paras 27-50 where moved to chapter “Other Mechanisms”

### **OHCHR/Anti-Discrimination Unit**

20. Encourages the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights to continue working with determination in providing guidance and support to the mechanisms of the Human Rights Council to monitor the implementation of the Durban Declaration and Programme of Action;

21. Calls for the Unit to be elevated to the rank of division and strengthened with the additional resources and staff required to serve better the mechanisms established to monitor and implement the Durban Declaration and Programme of Action and for it to interact effectively with all partners, including civil society, in the global campaign to combat racism;

22. Takes note of the determination of the United Nations High Commissioner for Human Rights, which was welcomed in General Assembly Resolution 61/149, to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make it a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights and urges the Office to translate the intention into reality;

23. Urges the Office of the High Commissioner on Human Rights and States at the national level to continue to raise awareness of and bring visibility to the mechanisms referred to in the preceding paragraph through campaigns and other special events;

24. Invites the High Commissioner to fully implement the mandate given to her Office in the Durban Declaration and Programme of Action and in particular to collect data and best practices on the fight against racism and discrimination all over the world;

25. Invites the High Commissioner to pursue its collaboration with regional and national bodies dealing with the fight against racism and discrimination;

### **Transatlantic slave-trade**

26. Urges that the provisions of General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade be fully integrated into the mandates of the Durban Declaration and Programme of Action follow-up mechanisms;

27. Recognizes that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and its agreement on qualifying the slave trade as a crime against humanity, and regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on that accomplishment;

28. Requests the Human Rights Council to organize a seminar or a panel discussion on all aspects of the transatlantic slave trade provisions of the Durban Declaration and Programme of Action and General Assembly resolutions 61/19 and 62/122, taking into consideration African Union initiatives on this issue, and include its findings and recommendations in the Preparatory Process and the Durban Review Conference;

29. Calls on the Human Rights Council to suitably observe annually the UN General Assembly designated International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25th March) and to consider, inter alia, building on the efforts of the Slave Route Project of UNESCO.

#### **Other stakeholders**

30. Requests the Human Rights Council to take the appropriate measures to extend the mechanisms for the participation of non-governmental organizations and other civil society organizations – with the financial support required for their development – in the activities and meetings of the United Nations system against racism, racial discrimination, xenophobia and related intolerance;

31. Notes the necessity of enhancing the participation of civil society organizations and victims of racism in meetings of the Durban Declaration and Programme of Action follow up mechanisms;

32. Stresses the crucial role played by civil society in the fight against racism and discrimination and the necessity to ensure its full contribution to meetings and activities of UN mechanisms dealing with the fight against racism and discrimination;

33. Requests all States to establish national institutions to fight against racism and discrimination, as foreseen in the Durban Declaration and Programme of Action and in conformity with the Paris Principles;

*Requests* also all States to protect human rights defenders and allow them to work freely for the promotion and protection of human rights; {suggested text}

**A. Intergovernmental Working Group on the Effective Implementation (IGWG) of the DDPA**

34. Bears in mind the need to identify the gaps in the international human rights instruments, particularly in the Convention, that require the adoption of complementary standards, and welcomes the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, in particular on the identification and review of substantive and procedural gaps in international human rights instruments, and the elaboration of complementary international standards consonant with the Durban Declaration and Programme of Action;

35. Recognizes that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and its agreement on qualifying the slave trade as a crime against humanity, and regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on that accomplishment;

36. Takes note of the fact that the issue of complementary standards has been transferred to the Ad Hoc Committee on Complementary Standards and the difficulty encountered by the Five Eminent Persons to meet on a regular basis, recommends that the Intergovernmental Working Group on the Follow-up to DDPA and the Five Eminent Persons be abolished and replaced by an appropriate body with the mandate to collaborate with the OHCHR to assist states implement the provision of the DDPA addressed to them;

**B. Working Group of Experts on People of African Descent (WGPAD)**

37. Acknowledges the importance and significance of the efforts of the Working Group of Experts on People of African Descent in analyzing the current situation, conditions and extent of racism against persons of African descent in the African diaspora;

38. Acknowledges the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against people of African descent and Africans in the diaspora;

39. Expresses its recognition of and requests all States to implement the conclusions and recommendations agreed upon by the Working Group of Experts, in particular on

the adverse effects of racism on health, employment, housing, education and the media, and likewise regarding the use of racial profiling, bearing in mind the need for States to reject and prevent all practices drawing on race-based stereotyped profiles;

40. Calls for the Working Group of Experts on People of African Descent to be established as a United Nations permanent forum on people of African descent;

41. Takes note of the final report on the existing gaps in international instruments to combat racism, racial discrimination, xenophobia and related intolerance by the group of five experts established by the Human Rights Council to study the need to adopt complementary standards that concluded its mandate, and invites States to consider implementing the group's recommendations, particularly on refugees, internally displaced persons, migrants and migrant workers, indigenous peoples, minorities and victims of multiple or aggravated discrimination;

42. Recommends that a voluntary fund be created to facilitate the participation of civil society, including non-governmental organizations and national human rights institutions that represent people of African descent and migrants, in meetings and activities of mechanisms for the follow-up to the Durban Declaration and Programme of Action;

43. Requests the Working Group of Experts on People of African descent to collaborate closely with all others mechanisms dealing with the fight against racism and discrimination in order to ensure a global and comprehensive approach to the fight against racism and discrimination and the equal treatment of all victims;

### **C. Five Independent Eminent Experts**

44. Acknowledges the importance of the mandate and work of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action, particularly directed at fostering the political commitment required for the Declaration and Programme of Action to be implemented successfully, calls for the development of mechanisms that promote better links between this group of experts and Governments and non-governmental organizations from various countries, and requests the United Nations High Commissioner for Human Rights to consider the possibility of creating a racial equality index, as was proposed by the said experts' group;

45. The Group of Five Independent Eminent Experts has not met regularly due to scheduling problems of its high-profile members and therefore this to some extent lessened its effectiveness. In addition, one of its members ceased to be part of the group when he was appointed to another post within the United Nations System, and his replacement is yet to be effected.

#### **D. Ad Hoc Committee on the Elaboration of Complementary International Standards**

46. Bears in mind the need to identify the gaps in the international human rights instruments, particularly in the Convention, that require the adoption of complementary standards, and welcomes the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, in particular on the identification and review of substantive and procedural gaps in international human rights instruments, and the elaboration of complementary international standards consonant with the Durban Declaration and Programme of Action;

47. Urges the Ad Hoc Committee on the Elaboration of Complementary Standards to continue working to identify and review substantive gaps in international human rights instruments and likewise in the elaboration of recommendations on the adoption of complementary standards to prevent and eradicate contemporary forms of racism, racial discrimination, xenophobia and related intolerance, by means, possibly, of a convention or a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination that will enable it to undertake in situ visits, or the approval of other instruments consonant with the Durban Declaration and Programme of Action;

48. Stresses also the importance of incorporating the relevant recommendations in complementary international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance;

49. Stresses the importance of the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to elaborate a basic document to fill the gaps in the existing international treaties about the elimination of all forms of racial discrimination;

50. Takes note of the final report on the existing gaps in international instruments to combat racism, racial discrimination, xenophobia and related intolerance by the group of five experts established by the Human Rights Council to study the need to adopt complementary standards that concluded its mandate, and invites States to consider implementing the group's recommendations, particularly on refugees, internally displaced persons, migrants and migrant workers, indigenous peoples, minorities and victims of multiple or aggravated discrimination;

51. Welcomes the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008 and requests the Ad Hoc Committee, at the second part of its first session, to heed, as provided in Human Rights Council decision 3/103 of 18 December 2006, as a matter of priority, the instruction and decision of the World Conference against Racism on

the elaboration, as a matter of priority and necessity, of complementary standards in the form of either a convention or one or more additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination to fill existing gaps in the Convention and provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;

52. Relevant recommendations must also find place in the new international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance as well as mainstreaming the subject of racism throughout the UN system; and

53. Takes note of the fact that the issue of complementary standards has been transferred to the Ad Hoc Committee on Complementary Standards and the difficulty encountered by the Five Eminent Persons to meet on a regular basis, recommends that the Intergovernmental Working Group on the Follow-up to DDPA and the Five Eminent Persons be abolished and replaced by an appropriate body with the mandate to collaborate with the OHCHR to assist states implement the provision of the DDPA addressed to them;

54. Stresses the need for implementation of existing standards regarding incitement to racial or religious hatred and violence, and that there is no need for further standards in these areas, as recently demonstrated by reports presented before the Human Rights Council;

55. Requests the Ad Hoc Committee on Complementary Standards to base its discussion on the work previously done and the information collected by the Intergovernmental Working Group, in particular the report made by CERD and the report of the five Experts on complementary standards;

#### **F. Committee on the Elimination of All Forms of Racial Discrimination (CERD)**

56. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination in fulfillment of the International Convention on the Elimination of All Forms of Racial Discrimination in response to new and contemporary forms of racism and racial discrimination;

57. Expresses its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation, and strongly appeals to all States Parties to the Convention to comply with their legal obligations under the Convention and the Committee's recommendations;



58. Requests those States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that have made the declaration under article 14 to increase awareness of the Convention among the people in their territories and to ensure that the procedural aspects are understood and adhered to;

59. Since 2001, CERD has developed further its monitoring procedures in order to enhance its effectiveness. In particular, it has adopted new procedures to ensure adequate follow-up to its opinions adopted under article 14 of the Convention as well as to its concluding observations. In 2007, it has also revised its reporting guidelines so as to facilitate the drafting of initial and periodic reports by States parties to the Convention. CERD has been encouraged by the response of most States parties to the review procedure during the past years which has resulted in the submission of many overdue reports for consideration by the Committee. This review procedure has allowed CERD to take more effective control of the reporting process and has encouraged States parties to resume a fruitful dialogue. At its 71st session held in August 2007, CERD revised its early warning and urgent action procedure guidelines so as to enhance the effectiveness of this procedure, which has allowed the Committee to adopt numerous decisions and recommendations for action to prevent serious violations of the Convention, in particular those that could lead to ethnic conflict and violence. In 2005, and as a follow-up to its declaration on the prevention of genocide, CERD developed a special set of indicators of patterns of systematic and massive racial discrimination so as to strengthen its capacity to detect and prevent at the earliest possible stage developments in racial discrimination that may lead to violent conflict and genocide.

60. Reiterates the need to fully implement existing instruments, in particular the ICERD and welcomes the broad interpretation given by CERD to the definition of racial discrimination as contained in the Convention so as to address instances of double or multiple forms of discrimination;

61. Recalls that the Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance;

62. Requests those States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that have made the declaration under article 14 to increase awareness of the Convention among the people in their territories and to ensure that the procedural aspects are understood and adhered to;

63. Affirms that full implementation of the ICERD is fundamental for the success of the global fight against racism and racial discrimination (former para 50);

## **F. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**

64. Expresses its full support for and recognition of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance for his work, and requests him to continue placing particular stress on the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national, ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

65. Repeats its call to the States of the region, intergovernmental organizations, organizations within the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur and urges States to examine the possibility of accepting his requests for visits and recommendations so that he may discharge his mandate fully and effectively;

66. Reiterates its request to the Human Rights Council that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance gather, request, receive and exchange information and communications with all relevant sources on issues and alleged violations falling within the purview of his or her mandate and investigate and make concrete recommendations with a view to eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

67. Expresses its support to the Special Rapporteur on contemporary forms of racism and requests him to pursue his efforts to ensure a global and universal approach to the fight against racism and discrimination, avoiding any hierarchy among victims;

68. Stress the importance of the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and express support for his future work while welcoming efforts undertaken so far in carrying out his mandate;

## **G. Other mechanisms**

### **Special procedures**

69. Stresses the important role played by other Special procedures in the fight against racism and discrimination, such as the Special Rapporteur on freedom of expression, the Special Rapporteur on freedom of religion and belief, the Independent expert on minorities issues, the Special Rapporteur on contemporary forms of slavery,

the Special Rapporteur on violence against women, and invites them to collaborate as appropriate in order to ensure a coherent approach against racism and discrimination;

70. Calls on all States to cooperate fully with all Special procedures and to extend standing invitations to them and in this regard recommends the adoption of strategies that favour a closer dialogue with States through procedures seeking more responsive positions from them;

### **Indigenous**

71. On indigenous peoples, several mechanisms were established within the UN framework to encourage discussions at the international level on indigenous issues and to help promote and protect of the rights of indigenous peoples. As such, the Permanent Forum on indigenous issues was created in 2000, the first Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people was appointed by the Commission on Human Rights in 2001, the United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007 by the General Assembly, and the Expert Mechanism on the right of indigenous peoples was created in 2007, replacing the Working Group on indigenous populations of the Sub-Commission on the promotion and protection of human rights. These advancements have helped lead to an increased understanding of the content of the rights of indigenous peoples and to greater opportunities for affirmation and protection of those rights.

### **Migrants**

72. Regrets also that some States have refrained so far from acceding to the Convention on the Protection of All Migrant Workers and their Families and reiterates its appeal to these States to do so as soon as possible;

73. On migrants, the International Convention on the protection of the rights of all migrant workers and members of their families entered into force in 2003, thereby allowing the Committee on the protection of the rights of all migrant workers and members of their families to hold its first session in 2004. Further, the mandate of the Special Rapporteur on the human rights of migrants has been recently reviewed by the Human Rights Council at its 8th session. The issue of racism, racial discrimination, xenophobia and related intolerance has been addressed by the Special Rapporteur and his predecessor in their missions to countries in different regions of the world and in numerous communications sent to governments around the world, sometimes jointly with other mandate holders.

### **Trafficking in persons**

74. The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on trafficking in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her

functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions.

75. Welcomes the extension of the mandate of the Special Rapporteur on trafficking in persons, especially in women and children, by the Human Rights Council at its 8<sup>th</sup> session, recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance as stipulated in the Durban Declaration and Programme of Action.

### **Genocide**

76. Recognizes the important role of the Secretary-General in contributing to prompt consideration of early warning or prevention cases, as mandated by Security Council resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser, who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

77. Reaffirms its full support for the mandate of the Special Adviser of the Secretary General on the prevention of genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide;

78. Welcomes the efforts made by the Special Adviser to elaborate indicators for the prevention of genocide in collaboration with CERD and encourages these bodies to pursue their collaboration in this regard;

79. Requests all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

80. Expresses its full support to the Special Adviser on the prevention of genocide and calls on all States to cooperate fully with him, including by accepting his requests for visits;

**DURBAN REVIEW CONFERENCE**

**Preparatory Committee**

**Second Substantive Session**

**Geneva, 6-17 October, 2008**

Compilation of proposal submitted by delegations as of 15 October 2008

**SECTION 3**

**Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the CERD**

Facilitator: Ali Onaner (Turkey)

During its 2nd substantive session, at its meeting held on 15 October 2008, the Preparatory Committee for the Durban Review Conference was able to undertake the second reading of paras. 1-28 of the present section. Only three states commented paras. 29-44.

**Table of contents**

Ratification.....	paras. 1-9
Declarations and reservations.....	paras. 10-13
Reporting.....	paras. 14-28
Implementation.....	paras. 29-44
Adequate resources.....	paras. 45-46
General.....	paras. 47-54
Paragraphs proposed by observers.....	paras. 55-58

## Ratification

1. [Expresses its commitment to attaining the universal ratification of the Convention in this hemisphere and urges all countries that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention]
  
2. [While the goal of universal ratification of ICERD by 31 December 2005 has not been achieved, the number of States parties to the Convention has gone from 158 to 173 between August 2001 and March 2008]
  
3. [Notes that six countries have signed the ICERD but have not ratified it and that 16 countries have not taken action to adhere to this convention]
  
4. [Regrets that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action and encourages those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible]

**[Although the goal of the ICERD universality by 31 December 2005 has not been achieved, the number of States Parties to it has increased to become 173 by March 2008. The countries which did not accede to the Convention are strongly encouraged to do so in accordance with their commitments to the DDPA]**  
*[suggestion of new language to merge 1 to 4]*

5. [In order to achieve these objectives, it would be important that all member states should ratify the Convention on priority as well as to regularize their reporting obligations. Accordingly, state parties to ICERD should not have any reservations or interpretative statements attached to their instruments of accession, which are incompatible with the object and purpose of the Convention. The OIC also supports DDPA's call for provision of adequate resources for the Committee in order to enable it to discharge its mandate fully and most effectively. This includes provision of technical support by the Committee to the state parties, on request]

**[Stress the support by the OIC to the DDPA, its call for provision of adequate resources for the Committee in order to enable it to discharge its mandate fully and most effectively. This includes provision of technical support by the Committee to the States Parties, on request]**

6. [Stresses the urgent need for universal ratification of the ICERD and the necessity to step up efforts for universal ratification of this instrument]

7. [ Urges states that have not yet done so to ratify or accede to the ICERD as a matter of high priority recognizing that this Convention remains the legal basis **[a legal basis] [a principal instrument] [a core instrument] [the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance]** of the International Community to fight racial discrimination]

8. [Reaffirms that universal accession to the International Convention on the Elimination of All Forms of Racial Discrimination and full compliance therewith are of paramount importance for the prevention of racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination throughout the world]

9. [Encourage all States that are not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider acceding to this Convention as a matter of priority]

**[Affirms that the ICERD is the most important international instrument for the prevention of racism, racial discrimination, xenophobia, and related intolerance, including contemporary forms of racism, and racial discrimination, and for the promotion of equality and non-discrimination throughout the world]**

#### GENERAL COMMENTS

**[1. Reiterates its commitment to attaining the universal ratification of the ICERD and welcomes the ratification of the Convention by a number of countries since World Conference Against Racism 2001. In this context, renews its call to States that have not yet done so to ratify or accede to the ICERD as a matter of high priority, making the Declaration envisaged under art. 14. It also urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations**



**2. Welcomes the ratification of the Convention by a number of countries since the World Conference Against Racism of 2001, while regretting that the goal of universal ratification by 2005 was not achieved. In this context, renews its call to States that have not yet done to ratify or to accede to the ICERD as a matter of high priority, and to consider making the Declaration envisaged under art. 14. It also urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations]** [*suggestion of new language for 1-9*]

### **Declarations and reservations**

**10.** [Renews its call to States to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications to enable victims to avail themselves of the remedy provided under article 14 of the Convention]

**11.** Requests those States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that have made the declaration under article 14 to increase awareness of the Convention among the people in their territories and to ensure that the procedural aspects are understood and adhered to

**12.** [Despite the encouragements of the Intergovernmental Working Group and calls to States made by CERD in its concluding observations, only 52 States have made the declaration under article 14 of the Convention. Owing to the relatively small number of declarations made under article 14 ICERD, coupled with a lack of awareness of the mechanism in those States which have made the declaration, the potential of this procedure has not been fully exploited and has impeded the development of CERD jurisprudence]

**13.** [Urges States as a matter of priority seriously to consider withdrawing all reservations and interpretative statements that are incompatible with the object and purpose of the International Convention on the Elimination of All Forms of Racial Discrimination]

## **Reporting**

**14.** Urges States to include in their national reports to the universal periodic review mechanism of the United Nations Human Rights Council information on the measures being taken to combat discrimination

**15.** Encourages States to include in their periodic reports information on action plans or other measures that they have taken to implement the Durban Declaration and Programme of Action at the national level

**16.** Urges States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to comply with their reporting obligations under the Convention by presenting reports in a timely manner in conformity with the relevant guidelines adopted by the Committee in 2007

**17.** [Encourages national human rights institutions to assist their respective States to comply with their reporting obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and to monitor closely the follow-up to the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination]

**18.** Acknowledges that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant actors of civil society conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the ICERD

**19.** Invites national human rights institutions to assist their respective States to comply with their reporting obligations, and to monitor closely the follow-up to the concluding observations and recommendations of the Committee

**20.** [Recommends that States fully involve civil society when preparing their Treaty body reports and their follow-up]

**21.** [Urges non-governmental organizations to continue to provide the Committee on the Elimination of Racial Discrimination with relevant information in a timely manner in order to enhance its cooperation with them]

22. [Calls upon States to disseminate the Durban Declaration and Programme of Action in an appropriate manner and provide the Committee with information on efforts made in that respect under the section of their periodic reports concerning article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination]

23. [Delays in reporting remain a major obstacle to the Committee's work and the effective implementation of the Convention. As at 27 March 2008, 84 out of 173 States parties were late in the submission of two or more reports. As of July 2008, 28 following States parties were at least 10 years late in the submission of their reports, whereas 28 were at least five years late]

24. [Expresses its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation, and strongly appeals to all States Parties to the Convention to comply with their legal obligations under the Convention and the Committee's recommendations]

*[suggestion to add a part of 26 to build such para **[Expresses its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation and hampers its work in monitoring implementation of the Convention]** and then delete 26]*

25. [Expresses serious concern regarding the delays in the submission of reports to the CERD considering that 29 States parties are at least five years late in the submission of their reports and that 17 States parties are at least 10 years late in the submission of their reports]

26. Emphasizes that the delays in reporting by States parties hampered the work of the CERD in monitoring implementation of the Convention

27. Urges States to comply with their obligation to submit their report in a timely manner

28. Invites States to request technical assistance regarding the drafting of reports if they need such assistance

## **Implementation**

**29.** [Notes with concern the refusal by some parties to cooperate or engage with the Durban Declaration and Programme of Action follow-up mechanisms and the non implementation of their recommendations and lack of acceptance of follow-up measures]

**30.** Recommends that States consider measures to strengthen implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in their domestic legal orders;

**31.** Affirms that full implementation of the ICERD is fundamental for the success of the global fight against racism and racial discrimination;

**32.** [While the universality of the Convention is already an objective of the DDPA, it also calls upon member states to extend full cooperation to the Committee on Elimination of Racial Discrimination and other human rights treaty monitoring bodies to promote the effective implementation of the instruments concerned and proper consideration of the recommendations adopted by these bodies with regard to complaints of racism, racial discrimination, xenophobia and related intolerance]

**33.** [Recommends granting the Committee on the Elimination of Racial Discrimination the competence to undertake field visits and to assume a role in assisting national mechanisms mandated to combat racism, racial discrimination, xenophobia and related intolerance]

**34.** [Emphasizes strongly the need to enhance follow-up to the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination, including those pertaining to States' obligations in situations of armed conflict and territories falling under their effective control where protection provided by international law is at its weakest]

**35.** Emphasizes the importance of setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination

**36.** [Reiterates its request to the Office of the High Commissioner for Human Rights to continue its efforts to increase awareness of the work of the Committee on the Elimination of Racial Discrimination]

**37.** Since 2001, CERD has established a new follow up procedure, requesting States to provide within one year information on the implementation of priority recommendations formulated in its concluding observations. CERD appointed a follow-up coordinator for recommendations made in its concluding observations as well as a rapporteur to follow up on recommendations made in opinions on individual communications. In 2006, the coordinator on follow-up of CERD was invited by one State party to conduct a visit in order to discuss and assess the measures taken in order to follow-up on CERD's recommendations

**38.** Welcomes the early warning and urgent action procedure established by CERD which has not only allowed the Committee to make recommendations to States Parties but as well, through the UN Secretary-General, to the UN Security Council in order to prevent serious violations of the Convention, in particular those that could lead to ethnic conflict and violence

**39.** Notes the decision of the CERD to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications from individuals or groups of individuals

**40.** Highlights that follow-up visits, together with the follow-up reports submitted for consideration, provide the Coordinator with an optimum overview of the steps taken towards the implementation of the recommendations addressed by the Committee to the State party concerned one year earlier

**41.** [Recommends that the Committee on the Elimination of Racial Discrimination respond adequately in providing technical assistance to States Parties, upon their request, in relation to the interpretation of the scope of the Convention]

**42.** Invites States parties to enhance follow-up to the implementation of the recommendations of the CERD including through the organization of workshops

43. International Cooperation and technical assistance plays an important role in helping countries, especially developing countries, in implementing their ICERD commitments and the recommendations of CERD

44. Call upon States parties to respect fully and comply with the International Convention on the Elimination of All Forms of Racial Discrimination

#### GENERAL COMMENTS

**[Recommends that the CERD accept petitions from Indigenous and other people from all territories to which General Assembly 1514 (XV) applies and to submit expressions of opinions and recommendations within the scope of its mandate on these petitions to the relevant UN bodies dealing with self-determination]**  
*[suggestion of new paragraph]*

#### **Adequate resources**

45. Invites relevant United Nations bodies to provide the Committee on the Elimination of Racial Discrimination with resources adequate to enable it to discharge its mandate fully;

46. Stresses the importance of and invites States Parties to the Convention to ratify the amendment to its article 8, on the financing of the Convention, and requests that sufficient additional resources be allocated for that purpose from the regular budget of the United Nations, so that the Committee may discharge its mandate fully;

#### **General**

47. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination in fulfillment of the International Convention on the Elimination of All Forms of Racial Discrimination in response to new and contemporary forms of racism and racial discrimination;

48. Stresses that this Convention is sufficient to address contemporary manifestations of racism and discrimination and should thus remain the legal basis of the International Community to fight racial discrimination and the efforts for universal ratification of this instrument should be stepped up;

49. Regrets also that some States have refrained so far from acceding to the Convention on the Protection of All Migrant Workers and their Families and reiterates its appeal to these States to do so as soon as possible;

50. The prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression. [First sentence, par.4, CERD Gen.Rec. 15]

51. CERD has also addressed other forms of double discrimination. While noting that other treaty bodies may have explicit competence to address religious discrimination, CERD has had numerous occasions to address double discrimination on the ground of race and religion and has stressed the ‘intersectionality’ of racial and religious discrimination and recommended that religious discrimination, including that against immigrant religious minorities be likewise prohibited.” Furthermore, it has reminded States that they should “ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.” [para 6, page 10 A/CONF.211/PC.2/5]

52. The Committee also wishes to draw particular attention to the statement adopted during its first session after the 9/11 events (sixtieth session, held in March 2002), “on Racial Discrimination and Measures to Combat Terrorism” in which it emphasized that “measures to combat terrorism ... are to be considered legitimate if they respect the fundamental principles and the universally recognized standards of international law, in particular, international human rights law and international humanitarian law.” It also urged States to ensure that any such measures “do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin” and “insist[ed] that the principle of non-discrimination must be observed in all areas, in particular in matters concerning liberty, security and dignity of the person, equality before tribunals and due process of law, as well as international cooperation in judicial and police matters in these fields.” [para 7, page 10 A/CONF.211/PC.2/5]

53. Since the adoption of this statement and when monitoring States’ compliance with article 5, the Committee has systematically paid particular regard to the potentially discriminatory effects of legislation and practices to combat terrorism. The Committee has requested from States parties that they provide information on the

effect which national legislation to combat terrorism has had on the implementation of the Convention, particularly on identity, entry and residence checks of foreigners, the right of asylum and extradition. When examining periodic reports, the Committee has expressed its concern about reported cases of “Islamophobia” following the 11 September attacks. Furthermore, while taking note that the criminal legislation of some States includes offences where religious motives are an aggravating factor, it has regretted that incitement to racially motivated religious hatred is not outlawed. The Committee has recommended that States give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities . [para 8, page 10 A/CONF.211/PC.2/5]

54. Since the Durban Conference, CERD has adopted several general recommendations and numerous concluding observations and opinions on individual communications which have addressed discrimination affecting the most disadvantaged groups, inter alia, Roma, indigenous peoples, descent-based communities, migrant workers, including undocumented migrants, asylum seekers, refugees and insidious and pervasive forms of discrimination such as racial profiling. It will continue to address contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as they emerge through a dynamic interpretation of the Convention and further strengthening of its monitoring procedures. [para 9, page 11 A/CONF.211/PC.2/5]

### **Paragraphs proposed by the CERD, but not supported by**

#### **Member States at first reading**

55. The DPA urges States that had not yet done so to consider ratifying or acceding to the international human rights instruments which combat racism, racial discrimination, xenophobia and related intolerance. In addition, the DPA urges States and OHCHR to cooperate and give due consideration to the observations and recommendations of the CERD and to provide adequate resources for the CERD;

56. The IGWG considers it appropriate to recall that the obstacles to overcoming racism, racial discrimination, xenophobia and related intolerance and achieving racial equality lie mainly in the lack of political will, weak legislation, and lack of implementation strategies and concrete action by States;

57. Though a few States have informed CERD that they are in the process of reviewing their reservations to ICERD insufficient progress has been made in relation



to the DPA's call for States to consider withdrawing reservations contrary to the object and purpose of ICERD;

58. While welcoming the information provided by some States in their periodic reports on the progress made in following up on its recommendations, CERD regrets the continuing failure of a large number of States to act upon its concluding observations. The observation that "the obstacles to overcoming racial discrimination and achieving racial equality mainly lie in the lack of political will, weak legislation, and lack of implementation strategies and concrete action by States" is still valid and illustrates that where the ICERD has failed to improve the situation, it may be because the necessary political will is lacking in the States concerned.

- - - - -

**Compilation of paragraphs proposed during the 9<sup>th</sup> meeting held on 10 October 2008 (a.m.) for use in the drafting process of the outcome document of the Durban Review Conference**

Section 4:<sup>1</sup>

*Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance*

Facilitator: Yuri A. Boychenko (Russian Federation)

---

<sup>1</sup> During its 2<sup>nd</sup> substantive session from 6 to 17 October 2008, the Preparatory Committee of the Durban Review Conference was able to discuss sub sections A to E. The Annex will be subject to further discussion.

Table of Contents

	Para	Page
A. General	1	2
B. Prevention	12	7
C. Combating	23	10
D. Treatment of victims	30	12
E. Education, awareness-raising and training	36	14
F. Annex	45	16

<b>A. General</b>
-------------------

- 1. Recognizes that a broad, global exchange of good practices in combating racism could serve as examples and assist States, the judiciary, social partners and civil society to implement more effectively the provisions of the Durban Declaration and Programme of Action and recommends the following best practices:**
  
- 2. Takes note with interest of the numerous examples of good practices set in the all regions in efforts to combat racism, racial discrimination, xenophobia and related intolerance, with a view to their possible replication, whether domestically or internationally, by means of cooperative and international assistance initiatives; such good practices are set out in an addition to the present outcome document.**
  
3. Identification of best practices in an intergovernmental setting is a difficult task. Different practices are based on different experiences. Results achieved may also vary and could be potentially contentious. Nevertheless, it is important to look closely on different practices and can be emulated by others in the common fight against racism, racial discrimination, xenophobia and related intolerance.
  
4. [At the same time, however, (that) it would be worthwhile to look at the practices, laws and policies which have proved to be counterproductive in the fight against racism and should be avoided by the rest.]
  
5. Most national constitutions and laws provide for a general framework against the racial tendencies, it is important that such frameworks be broadened to take into account specific policies and acts that can address different forms of racial discrimination. There is a need to strengthen different national and regional

institutions on account of their capacity to combat racist tendencies with the area of their responsibility.

6. Believes that freedom of expression ~~and considers it as~~ is a corner stone of contemporary human rights regime. However, misuse or abuse, as provided in Article 20 of the ICCPR and Article 4 of the ICERD must be taken into account to avoid possible negative fall outs. Therefore, while elaborating specific laws on combating incitement to racial and religious hatred, these must conform to the relevant provision of ICCPR and ICERD.

7. An important element in the fight against racism is the need to raise awareness and enhance understanding between and among different cultures and societies,[ some useful steps have been taken such as Interfaith Dialogue and Cooperation for Peace and Alliance of Civilizations]. Such mechanisms must not only be supported but enhanced and multiplied at all possible forums. At the national level such mechanisms should be created to reach out to all the religious ethnic and linguistic minorities and vulnerable groups. This approach will bring about better understanding of the problems and misconceptions at different level as well as provide ownership in the programmes designed for the betterment of vulnerable groups. The benefits of interfaith cooperation and dialogue should be taught at the basic level to ensure effective integration of minorities and better understanding and tolerance among societies.

8. States should to ensure a comprehensive and universal approach to the fight against racism and discrimination, in particular by ensuring the same treatment and protection to all victims of racism and discrimination and recommends the following best practices:

(a) - Adopting a comprehensive legal framework to fight racism and all forms of discrimination, including multiple and aggravated forms of discrimination;

[(b) - Ensuring access to justice for victims as a means to fight against impunity for racist and xenophobic crimes as well as appropriate remedies;]

(c) – [Preventing impunity for crimes motivated by racist or xenophobic attitudes. Considering the racist motivation as an aggravated circumstance; ]

(d) - Stressing that States should promote and ensure democracy, accountable and participatory good governance which is responsive to the needs of the people and the rule of law as an essential element in the fight against racism and discrimination;

(e) - Highlighting the important role to be played by parliaments, not only as a forum to promote debate around the problem of discrimination but also as a key actor in the creation of national legal frameworks in tune with international human rights instruments and fostering the effective implementation of the latter;

(f) - Stressing the freedom of expression as a necessity to counter racism and discrimination, while at the same time avoiding incitement to violence and hatred in accordance with articles 19 and 20 ICCPR;

(g) - Supporting the positive role Media can play in the fight against racism and discrimination;

(h) - Adopting measures to address the issue of hate speech in the Media, including on the Internet;

(i) - Taking effective measures to promote diversity in the work place, including in public services;

(j) - Promoting measures to strengthen the role of education, training and awareness raising measures in the fight against racism and discrimination;

(k) - Promoting mediation measures to fight against racism and discrimination;

(l) – [Emphasizing the role of preventive measures against racism and discrimination, also as a means to prevent conflicts and violence, in particular war crimes, crimes against humanity and genocide;]

(m) – [Supporting the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;]

(n) - Ensuring the existence and implementation of measures to counter discrimination against women suffering from racism and racial discrimination and promoting gender mainstreaming;

(o) - Placing a general duty on public authorities to promote equality. Public authorities should, in performing their public functions, have due regard to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between persons of different ethnic or racial origins;

(p) - Adopting a national action plan against racism and all forms of discrimination- Underlining and supporting the positive and complementary role played by regional organizations [such as the Council of Europe, the OSCE *and the OAS*] in the fight against racism and discrimination, including by adopting specific legislation to fight against racism and discrimination;

(q) - Supporting the role of civil society, including by financing its activities as appropriate;

9. [Reaffirms that a foreign occupation founded on settlements, its laws based on racial discrimination with the aim of continuing domination of the occupied territory, as well as its practices, which consist of reinforcing a total military blockade, isolating towns, cities and villages under occupation from each other, totally contradict the purposes and principles of the Charter of the United Nations and constitute a serious violation of international human rights and humanitarian law, a new kind of apartheid, a crime against humanity, a form of genocide and a serious threat to international peace and security; ]

**10. Avanzar en la identificación de buenas prácticas que impulsen la adecuada representación en los cuerpos colegiados de las poblaciones indígenas y afrodescendientes, incluyendo la participación de mujeres pertenecientes a estos grupos. Así mismo, adoptar la inclusión de la variable étnica en los procesos orientados a recopilar estadísticas públicas, especialmente en los censos de población y en las encuestas que miden la calidad de vida.**

**11. Avanzar en un estudio comparativo de normas y jurisprudencia que permita identificar las mejores prácticas que promuevan la eliminación de todo tipo de discriminación en el acceso a los sistemas de seguridad social.**





<b>B. Prevention</b>
----------------------

12. [Implementing [**special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them**] programs with a view to promoting equal opportunities and treatment for people of African descent and Indigenous people;]

13. [*Developing and implementing national programs to ensure that individuals pertaining to historically marginalized groups have real access to basic services and rights, inter alia, education at all levels, health, food, social security, housing, sports, culture, sanitation and water.*]

14.

(a) Devising legislation and policies that are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level to complement the more general provisions enshrined in national constitutions;

(b) Establishing institutions at the national and regional levels to combat racism **and discrimination** and monitor racist **and discriminatory** acts and phenomena;

(c) Conducting broad consultations at the national level in the implementation of the Durban Declaration and Programme of Action;

15. *Calls upon* States to develop social policies, as appropriate, in order to encourage stable and harmonious relationships between different nations, peoples and groups, fostering mutual understanding, solidarity, tolerance and the development of a culture of peace;

16. [*Encourages* States that are not yet parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to consider doing so as a matter of priority in order to promote a more open and fair international environment in which the rights of migrants can be fully ensured and respected;]

17. Preventing impunity for crimes motivated by racist or xenophobic attitudes, considering the racist motivation as an aggravated circumstance;

18. *Urges* States who have not yet done so to adopt and enforce new legislation in order to provide protection to migrant domestic workers, particularly women domestic workers, and to give access to migrant workers in domestic service to mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on states to promptly investigate and punish all abuses, including ill-treatment;

19. *Urge* States, regional and international organizations and civil society to continue promoting respect for multiracial, multicultural, and multi-ethnic aspects of societies and to spread human rights awareness, with a view to combating all forms of racism, racial discrimination, xenophobia and related intolerance;

20. [*Urge* States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society;]

21.

(a) The development of a National Action Plan on Human Rights, including action steps to improve [race relations].

- (b) Establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, including a capacity to consider complaints.
- (c) Collect, analyse, disseminate and publish reliable statistical data on racism and racial discrimination, with the objective of monitoring the situation of marginalised groups.
- (d) Convening of interfaith dialogues on a regular basis at the national, regional and international level.
- (e) The development of national Diversity Action Programmes and the publication of national statements on religious diversity, language policy, and [race relations].
- (f) The publication and dissemination of an annual [race relations] review, including progress made and challenges.
- (g) Frameworks to encourage the active participation in national and local government of minority and/or new communities.

22. [(Establish active recruitment policies, within both public and private sector, related to persons with immigrant background, counteracting all types of direct and indirect discrimination, including considering **[special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them]** schemes. Such recruitment programmes or special measures should incorporate a gender perspective and be cognizant of multiple forms of discrimination.]

<b>C. Combating</b>
---------------------

23. Adopting initiatives to eliminate multiple or aggravated discrimination, particularly gender-based discrimination.
- 24.
- (a) Issuing laws on the protection of [particularly vulnerable ethnic groups] and, as required and on a non-selective basis, laws that seek to protect [particular groups that are more susceptible], in certain contexts, to racism;
- (b) Incorporating into domestic law obligations under the International Convention on the Elimination of All Forms of Racism;
- (c) [Elaborating specific laws on combating **defamation and** incitement to racial and religious hatred, in conformity with obligations under article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;]
- (d) Devising special laws and policies for confronting the ideologies and practices of political groups advocating racist platforms;**
25. [ *Invites* States to consider [**special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them**] and other equity-oriented public policies which attempt to remedy and overcome historical exclusions;]
26. *Urges* States to promote and respect human rights for all, including for migrants whether they are in a [legal/**documented**] or [illegal/**undocumented**] situation

27. [*Reiterates* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries and emphasize the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas:]

[Debt relief; Poverty eradication; Building or strengthening democratic institutions; Promotion of foreign direct investment; Market access; Intensifying efforts to meet the internationally agreed targets for official development assistance transfers to developing countries; New information and communication technologies bridging the digital divide; Agriculture and food security; Transfer of technology; Transparent and accountable governance; Investment in health infrastructure tackling HIV/AIDS, tuberculosis and malaria, including through the Global AIDS and Health Fund; Infrastructure development; Human resource development, including capacity-building; Education, training and cultural development; Mutual legal assistance in the repatriation of illegally obtained and illegally transferred (stashed) funds, in accordance with national and international instruments; Illicit traffic in small arms and light weapons; Restitution of art objects, historical artefacts and documents to their countries of origin, in accordance with bilateral agreements or international instruments; Trafficking in persons, particularly women and children; Facilitation of welcomed return and resettlement of the descendants of enslaved Africans;]

28. [*Reiterates* that the Office of the High Commissioner for Human Rights to create a database containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance, particularly international and regional instruments and national legislation, including anti-discrimination legislation, as well as legal means to combat racial discrimination; remedies available through international mechanisms to victims of racial discrimination, as well as national remedies;]

29. *Invites* States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;

<b>D. Treatment of Victims</b>
--------------------------------

30.

(a) [Elaborating democratic and inclusive processes to overcome centuries-old racism and racial discrimination, including the establishment of national truth and reconciliation committees and schemes aimed at empowering the victims of such discrimination;]

(b) [Issuing formal apologies to victims of colonialism and other historic injustices as a means of achieving healing and reconciliation in societies and redressing the impact of such injustices;]

(c) [Recruiting for various posts at all levels through **[special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them]** schemes;]

31. [*Encourage States* to promote at the national level strategies, policies and programmes, including **special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them**], for the promotion and protection of the economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance and for affording greater opportunities to them to share in the prosperity and wealth of the societies they live in, as well as for guaranteeing that the benefits of development, science and technology contribute effectively to the improvement of the quality of life of such victims;]



32. [Reiterating the importance of recognising the importance of damages caused by colonialism and taking note of the recent positive steps that some countries have made in taking compensatory measures.]
33. [Establishing mechanisms as collective compensation for the negative effects of previous assimilation policies towards national minorities, with the purpose of strengthening cultural identity through improving opportunities for cultural activities.]
34. [Durable settlement of historical grievances for indigenous **peoples**, including an agreed historical account, apology, statutory instruments to recognise the claimants' special interests and the provision of redress. ]
35. [*Identifies* honouring the memory of the victims of past tragedies, issuing formal apologies to victims of colonialism and other historic injustices, paying reparations and restituting art objects, historical artifacts and documents to their countries of origin as means of achieving healing and redressing the impact of such injustices; ]
36. **Promouvoir l'accès à la justice en proposant aux victimes de racisme des services de conseil**

<b>E. Education, awareness-raising and training</b>
---

37. **[Calls on States to promote an inclusive pattern of education, which takes into consideration the diversity present in each society, disseminating a culture of equality, tolerance and non-discrimination through awareness raising, education at all levels and media.]**

38. Investing in education and awareness raising at an early age, including through leisure activities (sport games, youth camps, multicultural festivals) and [undertaking a revision of curricula] to raise awareness of different cultures and civilizations and in fair and objective perspectives and to promote a culture of human rights and respect for diversity

39. **Re-emphasize the importance and necessity of teaching about the past and recent history of colonialism, racism, racial discrimination, xenophobia and related intolerance in order to prevent the recurrence of such policies and practices;**

40.

(a) Establishing institutions with the function of promoting tolerance and intercultural harmony through dialogue;

(b) [Introducing educational curricula aimed at raising awareness of different cultures and civilizations with a fair and objective perspective and with the involvement of the concerned communities;]

(c) [Commemorating within the United Nations and beyond (of) the plight of victims of colonialism and other historic injustices;]

(d) [*Requesting* the Office of the High Commissioner for Human Rights to compile a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to people of African **or Asian** descent, **indigenous peoples** and migrants;]

(e) (*Also requests* ~~ing~~ the Office of the High Commissioner for Human Rights, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and other relevant organizations to develop databases and to disseminate good practices effectively;

*[suggestion to re-draft]*

41. [*Encourages* all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding amongst various cultures and civilizations;]

42. [Promoteing measures to strengthen the role of education, training and awareness raising measures in the fight against racism, **racial** discrimination, **xenophobia and related intolerance**;]

43. [*Urge* States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society;]

44.

- (a) Education and awareness-raising on indigenous cultures, in particular in education curricula
- (b) Promotion of language diversity, including retention of indigenous languages
- (c) Acknowledgement of positive contributions to [race relations] by individuals and organisations.

45. *Welcomes* the adoption of the United Nations Declaration on the rights of indigenous peoples

*[suggestion to move to Section 1];*

**46. Intégrer dans les programmes de formation continue des agents de la fonction publique des modules de sensibilisation portant sur les questions relatives à la discrimination raciale**

47. *Urges States in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the implementation of the Declaration and Programme of Action on a Culture Peace.*

<b>F. Annex</b>
-----------------

48. Regional examples

From June 2006 to September 2007, the Council of Europe ran a Campaign for Diversity, Human Rights and Participation, based upon the slogan “All Different – All Equal”. Various meetings, events, training courses and symposia were organized, concerning issues related to three pillars of the campaign: diversity, participation and human rights. Among the various events which took place all over Europe, five “thematic” weeks were organized in different European cities in order to raise public awareness and to stimulate reflection on issues closely related to the themes of the campaign.

49. **A new comprehensive approach has been adopted in Southeast Asia to deal with irregular migration and enhance migration management within the framework of sub-regional cooperation, such as the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS). The ACMECS was established in 2003 as a framework of cooperation amongst Cambodia, Lao People’s Democratic Republic, Myanmar, Thailand and Viet Nam.**

50. **Ratification of the International Convention on the Elimination of All Forms of Discrimination has been undertaken by all ASEAN Member Countries. Various activities have also been conducted to enhance further implementation of the Convention, including the ASEAN High-Level Meeting on Good Practices in the CEDAW Reporting and Follow-up in January 2008 in Vientiane, Lao People’s Democratic Republic.**

51. **The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) is a regional consultation process which has contributed to stronger anti-trafficking and smuggling legislation and National Action Plans to combat trafficking in persons.**

52. National examples

- a. National education campaigns to combat racism [suggestion to move to subsection E]
- b. Manual on teaching of human rights in several languages [suggestion to move to subsection E]
- c. Involving leaders of youth organizations in the elaboration of youth policies
- d. Anti-racism initiatives in the context of sports events
- e. Workshops and similar events in educational institutions on the issue of racial discrimination against Roma and Sinti
- f. Policies of hiring immigrants in public and private spheres
- g. Establishment of a Roma People's Fund aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Romani people
- h. Having relevant projects scrutinized by indigenous peoples
- i. Panafrican Festival of Cinema and Television (FESPACO) and the international book festival (Burkina Faso)
- j. Socio-cultural mediators (Portugal)
- k. Roma Communities Support Cabinet (Portugal)
- l. « My school against discrimination » (Portugal)
- m. Preparation of a "White paper on intercultural dialogue" and reports on "Hate speech" and "Wearing of religious symbols in public areas" by the Committee of Experts for the Development of Human Rights (Council of Europe framework) (Sweden)
- n. Manual on teaching of human rights in several languages (Armenia)
- o. Involving leaders of youth organizations in the elaboration of youth policies (Armenia)
- p. Anti-racism initiatives in the context of sports events (Italy)
- q. Workshops and similar events in educational institutions on for instance the issue of racial discrimination against Roma and Sinti (Italy)
- r. Policies of hiring immigrants in public and private spheres (Norway)
- s. Establishment of a Roma People's Fund which is aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Romani people (Norway)

- t. Having relevant projects scrutinized by indigenous peoples (IFAD)
- u. Comprehensive and systematic policies for foreigners who reside in the Republic of Korea through the enactment of the Basic Act on the Treatment of Foreigners in Korea and establishing periodic five-year 'Basis Plans for Policies Regarding Foreigners' (Reply to Q by Republic of Korea)

### **Proposals made by Switzerland**

- Financial support to projects carried out by civil society to combat racism and foster awareness-raising at schools ([www.edi.admin.ch/frb](http://www.edi.admin.ch/frb) ; [www.ekr.admin.ch](http://www.ekr.admin.ch))
- Soutien financier de projets visant l'intégration professionnelle des femmes migrantes ([www.ekm.admin.ch/fr/projets/projets\\_modeles.php](http://www.ekm.admin.ch/fr/projets/projets_modeles.php) ; [www.edi.admin.ch/frb](http://www.edi.admin.ch/frb))
- Publication of legal guidebooks for victims of racism and counselling services ([www.humanrights.ch](http://www.humanrights.ch) ; [http://d102352.u28.netvs.ch/bfr/bfr\\_index.asp?lang=f](http://d102352.u28.netvs.ch/bfr/bfr_index.asp?lang=f))
- Intégration dans les programmes de formation continue de corps de police cantonaux et communaux de modules portant sur le travail policier en milieu interculturel ([www.edi.admin.ch/frb](http://www.edi.admin.ch/frb) ; [www.institut-police.ch](http://www.institut-police.ch))
- Mise en œuvre de dispositions législatives visant à promouvoir l'intégration ([www.ejpd.admin.ch/ejpd/fr](http://www.ejpd.admin.ch/ejpd/fr))
- Droit de vote et d'éligibilité conférés aux personnes de nationalité étrangère ([www.ar.ch/](http://www.ar.ch/) ; [www.ju.ch](http://www.ju.ch) ; [www.ne.ch](http://www.ne.ch) ; [www.vd.ch](http://www.vd.ch) ; [www.gr.ch](http://www.gr.ch) ; [www.fr.ch](http://www.fr.ch) ; [www.ge.ch](http://www.ge.ch) ; [www.bs.ch](http://www.bs.ch))
- Elaboration par des institutions liées aux médias de codes de comportement afin de garantir l'indépendance et la liberté d'information dans le respect de la dignité humaine et de la non-discrimination ([www.presserat.ch](http://www.presserat.ch))

- Publication of research results on racism to be used to orient practical measures  
([www.edi.admin.ch/frb](http://www.edi.admin.ch/frb) ; [www.ekr.admin.ch](http://www.ekr.admin.ch))
- Creation of a national coordination service against Internet criminality, with special attention to fighting right wing extremism and racism in the Internet  
(<http://www.cybercrime.ch/>)
- Registration of violations of the penal provisions on racial discrimination in criminal statistics  
([http://www.bfs.admin.ch/bfs/portal/fr/index/infothek/erhebungen\\_quellen/blank/blank/pk/01.html](http://www.bfs.admin.ch/bfs/portal/fr/index/infothek/erhebungen_quellen/blank/blank/pk/01.html))
- Creation of a database listing and analyzing legal cases and convictions under the penal provision on racial discrimination  
(<http://www.ekr.admin.ch/dienstleistungen/00169/00172/index.html?lang=fr>)

## **Romania**

### Institutional framework

- A *National Council for Combating Discrimination* was established as a body entitled to receive and examine petitions and complaints of cases of discrimination and to act, as a witness in Court, on behalf of the complainant, in cases of discrimination;
- A *Department for Inter-Ethnic Relations* is in place as a specialized body of the Government in charge of promoting specific programs for ethnic and national minorities in order to enhance good understanding and inter-ethnic dialogue;
- The *National Agency for the Roma* was established as a specialized body of the Government, in charge with elaborating, coordinating, monitoring and evaluating public policies for the Roma minority.

### Policies

- A *National Strategy to Implement Measures for Preventing and Combating Discrimination* was adopted with the aim to develop an inclusive and intercultural society;
- Following a governmental initiative, *the National Strategy for Improving the Situation of the Roma* was adopted;
- The *political representation of national or ethnic minorities in the Parliament* is ensured by entitling each national or ethnic minority organization to a seat in the Parliament should they fail to win the necessary number of votes in parliamentary elections. The *political participation* of national and ethnic minorities in the *local and central administration* is ensured by affirmative action



- Persons belonging to national and ethnic minorities are guaranteed *equal access to education* in their mother tongue by Constitution; *Resource Centers for Inclusive Education*, are established at local/county/regional levels, in order to encourage the access to education of persons belonging to national or ethnic minorities;
- Partnerships between the *Government and human rights-related civil society organizations* are implemented to enforce preventive anti-discriminatory and to redress effects of past discriminatory behavior;
- *Social Inclusion Programs* and *Partnerships for Roma Support* are implemented with a view promoting income-generating activities, housing and social integration;

## Measures

### *Employment*

- *Employment programs* and *professional counselling on employment issues* are promoted to enhance employment opportunities for persons belonging to Roma minority;
- *Job Fairs* and “*Employment Caravan for the Roma*” are organized to facilitate the employment of persons belonging to Roma minority and to raise their awareness about their rights and services they can benefit from in order to find jobs;

### *Social integration*

- The institution of *mediator* is registered as a new profession in the *National Register of Jobs and Professions* and it covers various fields, such as *education, medical services, social and civic activities* in order to enhance the social integration of persons belonging to Roma minority;
- Police-related projects and partnerships are implemented with a view to further improving the social integration of persons belonging to the Roma community such as *Partnerships between the Police and human rights NGOs*, including *Roma NGOs*; “*Roma and the Police*”, a project in partnership with OSCE/ODIHR Focal Point for Roma and Sinti and Roma NGOs, aimed at reviewing policies and practices towards Roma minority; there is a *Permanent Consultative Committee* for the relationship between the Police and representatives of Roma minority; *employment* of persons belonging to Roma minority in the *Police* is consistently promoted;

### *Education*

- In cooperation with Roma NGOs, the *syllabus for Romani language*, a manual of the *history and traditions of Roma minority*, as well as a *specific guide for history teachers* regarding the history and traditions of Roma minority are revised and developed; a *multi-annual national program to train non-Roma teachers* is implemented and the training of *teachers for Roma language and history* is financed;
- The *access to education of children belonging to Roma minority*, including to *vocational training and specialized professions*, is supported by means of

affirmative action, including *reserving a number of seats* in higher education institutions;

#### *Culture*

- *Financial support* is granted to national and ethnic minorities organizations, for programs of developing their *specific culture*, through the *mass media*, in their *mother tongue*, as well as through *printed publications* and *specific art companies*;

#### *Media*

- A *Special Budgetary Fund* is dedicated to TV and radio broadcast programs meant to combat racism, racial discrimination, anti-Semitism, xenophobia and intolerance.
- Awareness-raising *campaigns and combat discrimination against Roma* particularly at sport events are consistently organized.

## ARGENTINA

**53. La Republica Argentina aprobó su Plan Nacional contra la Discriminación (PNcD) con el Decreto Presidencial 1086/2005. El mismo fue elaborado por un grupo de expertos con amplia participación de las organizaciones sociales de todo el país que fueron consultadas en foros regionales. El PNcD incluye un diagnostico y 247 propuestas de acciones estratégicas e inmediatas.**

**54. Con el mismo decreto se designo al Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo dependiente del Ministerio de Justicia y Derechos Humanos como órgano de aplicación, para lo que se cuadruplicó su presupuesto, se lo federalizo y se crearon foros de la sociedad civil con el objetivo de gestionar de manera consensuada con distintas organizaciones sociales (de afrodescendientes, migrantes, indígenas, personas con discapacidad, LGBT, en situación de encierro, personas que viven con VIH y sida, jóvenes, mujeres, adultos/as mayores, niños/as, entre otros) ola aplicación de las políticas en la materia.**

**55. El Plan Patria Grande, Programa Nacional de Documentación**

**Migratoria, que impulsa, facilita y permite el acceso a la residencia para los/as migrantes. Con este programa el Estado argentino dispuso el presente programa para regularizar la situación migratoria de los extranjeros nativos de los Estados Parte del MERCOSUR y de sus Estados Asociados, en busca de facilitar la tramitación para acceder a una residencia legal en el país. A tal fin, se dispone implementar un nuevo criterio de radicación basado en la acreditación de la nacionalidad de uno de los países de la región y adoptando la buena fe como principio rector del Programa.**

**BARBADOS**

**56. Since the independence of Barbados in 1966 one of the main squares outside of the Barbados parliament had been known as Trafalgar square and was dominated by the statue of Nelson, the English general. A few years ago that square was renamed National Heroes Square and is now defined by a celebration of indigenous national heroes including our only living national hero, Sir Garfield Sobers, the greatest cricketer in the world. Barbados has developed a concerted policy to name and rename national sites, schools, government buildings in Barbados after Barbadians who have contributed economically, socially and politically to the development of the Barbadian society. This recognition of the worth and invaluable contributions of citizens of all colours and backgrounds goes a long way in healing the society and creates the psychological basis and practical platform to allow all Barbadians to move on together.**

**BRASIL**

**57. Mapeo de los terrenos de Candombeé, dentro del programa de valorización del patrimonio afro-brasilero. El programa identificó 1165 terrenos, los cuales constituyen un conjunto propicio para la investigación sobre el origen, estructura, formación y rituales, además de haber**

proporcionado informaciones que favorecen el planeamiento de políticas públicas para las comunidades y la regularización de la tierra.

- 58. Ética y ciudadanía – instalación de un Foro Escolar de Ética y Ciudadanía y acción de la comunidad escolar en la red de educación pública con fines de difundir valores que conlleven a la convivencia democrática, a la solidaridad humana, a la integración social y el rol social que desempeñan los estudiantes. Puesto en marcha en 2004, se encuentra vigente en 2.700 escuelas públicas de las 27 Unidades Federativas.**
- 59. Programa de Universidad para todos (Prouni) – atribución de becas de estudio, completas o parciales, a estudiantes graduados en las instituciones privadas de enseñanza superior, destinadas a estudiantes de bajos recursos, egresados de la enseñanza media de la red pública. Otorga becas específicamente a indígenas, mestizos o negros y personas de escasos recursos en el mismo porcentaje de su presencia en la población de cada Estado. Se otorgaron 385.000 becas entre los años 2004 y 2008, de las cuales 270.000 fueron becas completas. No menos de 81.287 afrodescendientes y algunas centenas de indígenas fueron beneficiados.**

## **CHILE**

**La concreción de una política cada vez más amplia de restitución de tierras. Entre el 2006 y el 2007, sólo en compra y subsidio de tierras indígenas, se han restituido alrededor de 23 mil hectáreas, beneficiando a un total de 2.200 familias indígenas. En ese sentido, hay que destacar que para el 2008 el Fondo de Tierras y Aguas contara con un presupuesto total de \$23.314.428, de los cuales \$19.555.443 serán sólo para la compra de tierras. La Ley N° 20.249 que crea el espacio costero marino de los pueblos originarios. Esta Ley, fundamental sobre todo para el pueblo lafquenche, fue promulgada el 31 de enero de 2008 y el reglamento está siendo trabajado con los dirigentes indígenas.**

**60. Becas indígenas:** en los dos últimos años hubo un incremento del 24% en la asignación de becas (el 2006 fueron 36.160 y el 2007, 41.987). Para el año 2008, se contemplan 43.895 becas (18.258 en básica, 18.490 en media y 7.147 en la educación superior), con una inversión de \$8.644.506. Durante el 2007 se beneficiaron un total de 607 estudiantes de educación superior, con un presupuesto asignado de \$382.511.000, que beneficiaron a 208 estudiantes con beca a la residencia y 399 estudiantes con beca de hogares.

**61. Reconocimiento anual (2006-2008) a las instituciones públicas y organizaciones de la sociedad civil que se destacan en el respeto a la diversidad y lucha contra el racismo.** Este reconocimiento es concedido por la División de Organizaciones Sociales del Gobierno de Chile a través del « Concurso de Buenas Prácticas por el Respeto a la Diversidad y Trabajo por la No Discriminación ».

## COLOMBIA

**62. Establecimiento de circunscripciones electorales especiales para indígenas, afrocolombianas, minorías políticas, colombianos en el exterior.**

**63. Inclusión de la variable 'étnica en los procesos de estadísticas públicas en particular los censos de población y las encuestas de calidad de vida.**

**64. Avances en la interpretación de las leyes por parte de la Corte Constitucional, que han permitido el reconocimiento de los derechos patrimoniales, la afiliación a los sistemas de salud y de pensiones en calidad de beneficiarios de las parejas del mismo sexo en los mismos términos y condiciones de las parejas heterosexuales.**

**COSTA RICA**

**65. El Proyecto de Pequeñas Emisoras Culturales que conduce el Instituto Costarricense de Enseñanza Radiofónica (ICER) institución sin fines de lucro que trabaja bajo el amparo del convenio de cooperación entre el Gobierno de Costa Rica y el Reino de Liechtenstein, favorece a la población que se encuentra alejada o no puede ser atendida por los centros educativos y culturales existentes.**

**67. Las emisoras culturales son administradas por asociaciones no lucrativas, dedicadas exclusivamente a satisfacer las necesidades de las comunidades de la región. El funcionamiento de estas emisoras está a cargo de Asociaciones Radiofónicas Regionales, constituidas de acuerdo a los estatutos elaborados para definir las labores y las responsabilidades de cada radio regional. En la actualidad funcionan doce emisoras culturales, cinco de las cuales se encuentran ubicadas en territorios indígenas.**

**68. A través del programa “El Maestro en Casa”, se han llevado a cabo proyectos destinados a la preservación de las lenguas indígenas. Igualmente, el ICER ha elaborado cartillas didácticas para enseñar a leer y escribir los idiomas locales. Con la ayuda de UNESCO, el ICER ha venido desarrollando desde el año 2004 un proyecto denominado “Utilización de nuevas tecnologías para fortalecer la democratización de la comunicación radial” cuyo objetivo es impulsar el uso del Internet en las comunidades indígenas y fomentar el intercambio de producciones de radio a nivel de todas las emisoras comunitarias vía Internet.**

**69. Finalmente, en el 2005 el ICER inició un programa de información con ayuda de profesionales en derecho, respecto a los alcances del proyecto de “Ley de Desarrollo Autónomo de los Pueblos Indígenas”.**

**70. El Colegio de Periodistas de Costa Rica aprobó en junio de 2003 un Código de Ética que establece una serie de principios de comportamiento profesional enmarcado en el respecto a los derechos humanos y evitar la creación de estereotipos. EN su artículo 11 señala que “en el ejercicio de esta profesión se debe evitar cualquier publicación contraria a los valores de la comunidad nacional, sus instituciones democráticas y la moral publica. Consecuentemente, las y los periodistas deben poner especial cuidado en la protección de los derechos de las niñas y los niños, así como respetar la vida privada, el honor, la buena reputación, la imagen y la intimidad familiar de los ciudadanos”. Asimismo, en su artículo 14 se determina que “en sus informaciones, los y las periodistas, no deben crear estereotipos por raza, género, edad, religión, condición social o económica, o impedimento físico, que generen el beneficio, odio o burla social”.**

**71. En el presente periodo de gobierno 2006-2010, el gobierno de Costa Rica formula la Política Nacional para la Igualdad y la Equidad de Género (PIEG), que condensa los compromisos del Estado Costarricense, en los próximos 10 años, a fin de avanzar en la igualdad de oportunidades y derechos de mujeres y hombres.**

**72. La PIEG se sustenta en tres grandes núcleos de acción estratégica: autonomota económica, participación política y cambio cultural, todos pilares fundamentales para mover barreras de desigualdad, que afectan a las mujeres.**

**73. Para determinar los principios de esta estrategia se desarrolló un diagnóstico en materia de igualdad y equidad de género que determinó que uno de los principales problemas y brechas de género que persisten y requieren atención es el acceso y permanencia de las mujeres al mercado laboral, encontrándose como factor determinante de discriminación las brechas salariales y segmentación laboral en perjuicio de las mujeres, aunando a las desigualdades en el mercado de trabajo y su relación con mayor incidencia de la pobreza en las mujeres.**

**74. Esta política se sustenta en 6 objetivos estratégicos y de largo plazo, que orientaran el quehacer de las instituciones del Estado en un periodo de 10 años. EL PIEG apunta al desafío del trabajo remunerado de calidad y la generación de ingresos. Se propone que en el 2017 el país haya removido los principales factores que provocan brechas de ingreso entre mujeres y hombres; el desempleo y subempleo femenino, en un marco de mejoramiento general del empleo en el país. Para ello, se acuerda centrar los esfuerzos en dos líneas de trabajo: promoción de la calidad del empleo femenino y la creación de nuevas fuentes de empleo femenino, especialmente en zonas con mayores desventajas.**

## **CUBA**

**75. Puesta en marcha, desde 1959, de un profundo proceso de transformaciones políticas y socio-económicas, dirigidas a eliminar los males, vicios y estereotipos heredados de anteriores políticas sustentadas, entre otras cosas, en concepciones discriminatorias, segregacionistas y racistas. Como parte de este proceso, se llevó a cabo la institucionalización de un marco jurídico y constitucional que garantiza la plena igualdad, sin discriminación de ninguna naturaleza, concebidos para la integración social y el desarrollo de aquellos sectores de la población históricamente desfavorecidos.**



- 76. Implementación de numerosos programas dirigidos a potenciar la igualdad, entre ellos: la universalización y gratuidad de la enseñanza, incluyendo la educación superior con sedes universitarias en todos los municipios del país; programas de salud totalmente gratuitos para toda la población sin distinción; programas de asistencia y protección social, deportes y cultura para todos los segmentos de la sociedad; programa acelerado de construcción de viviendas, entre otros.**
- 77. Ayuda y cooperación solidaria y desinteresada a otros países en desarrollo, mediante el envío de médicos, enfermeras, maestros, entrenadores deportivos y técnicos, que brindan sus servicios gratuitamente a la población de esos países, beneficiando particularmente a los sectores más pobres y excluidos. También incluye un programa de otorgamiento de becas para cursar gratuitamente estudios en Cuba en diversas especialidades, a jóvenes de numerosos países de África, Asia, America Latina y Caribe. Creación de la escuela Latinoamericana y Caribe de Medicina y la Escuela Internacional de Educación Física y Deportes donde han estudiado y estudien sin costo alguno miles de jóvenes latinoamericanos y caribeños provenientes de los sectores más pobres en sus países, en particular afrodescendientes e indígenas. También se ha materializado la colaboración y apoyo a la realización de programas sociales en países de la región, especialmente en materia de salud y educación, en beneficio de los sectores más excluidos y discriminados: Aplicación del método de alfabetización cubano “yo sí puedo” dirigido a erradicar el analfabetismo, que ha permitido la alfabetización de millones de personas. Aplicación del programa conocido como “Operación Milagro”, que ha permitido la intervención quirúrgica y cura de los problemas de visión a millones de personas, de forma gratuita.**

**ECUADOR**

- 78. Políticas Públicas.-** El Gobierno ecuatoriano en el Plan Nacional de Desarrollo 2007-2011 ha creado el componente de desarrollo del pueblo afroecuatoriano y de los pueblos indígenas, el mismo que contará con recursos financieros para la ejecución de políticas en el campo social que propendan a la integración y desarrollo de dichos pueblos.
- 79. Normatividad.-** Expedición de la Ley de Derechos Colectivos del Pueblo Afroecuatoriano en el año 2006, norma que permite la aplicación de los artículos correspondientes de la Constitución Política de 1998 y donde se consagran los derechos colectivos a favor de los pueblos indígena y afroecuatoriano, en consonancia además con el Convenio 169 de la OIT del cual el Ecuador es Parte.
- 80. Información estadística: Creación de los siguientes instrumentos: Sistema de Indicadores Sociales del Pueblo Afroecuatoriano (SISPAE) e Indígena (SIDENPE), así como de la Comisión Nacional de Estadísticas para Afroecuatorianos e Indígenas (CONEPIA), y la Encuesta Nacional sobre discriminación Racial en el año 2004. Por otro lado, el Gobierno ecuatoriano, en colaboración con el Sistema de Naciones Unidas, ha realizado el primer estudio sobre cumplimiento de los Objetivos del Milenio en el pueblo afroecuatoriano, el cual comprende la edición de una publicación completa.**

**EL SALVADOR**

- 81. Para El Salvador, la trata de personas es un tema que ha estado presente en la agenda nacional en atención al principio fundamental del respeto de los derechos humanos que es transversal en todo el accionar que realiza el país. Por lo que en atención a los compromisos que el Estado ha asumido, lleva a cabo de una manera prioritaria y comprometida dos proyectos importantes para asumir a partir del principio de la corresponsabilidad:**

**81. Creación del Comité Nacional contra la Trata de Personas, bajo el Decreto Número 114, publicado en el Diario Oficial No. 224, Tomo 369, de fecha 1 de Diciembre de 2005; el cual fue juramentado el día 6 de Marzo de 2006.**

**83. El Comité esta integrado por las Secretarías e Instituciones siguientes: Ministerio de Relaciones Exteriores, Ministerio de Gobernación, Ministerio de Hacienda, Ministerio de Educación, Ministerio de Trabajo y Previsión Social, Ministerio de Salud Pública y Asistencia Social, Ministerio de Turismo, Secretaría Nacional de la Familia, Policía Nacional Civil, Dirección General de Migración y Extranjería, Instituto Salvadoreño para la Atención Integral de la Niñez y la Adolescencia, Instituto Salvadoreño para el Desarrollo de la Mujer, el cual tiene como objetivo erradicar la trata de personas de manera coordinada, a partir de prevenirlo, atenderlo y combatirlo de una manera permanente e interinstitucional como también aunando esfuerzos a nivel internacional y en tal razón se han llevado a cabo acciones como las siguientes:**

**A nivel internacional**

**84. Con México:**

- **Acuerdo entre el Ministerio de Gobernación de la República de El Salvador y la Secretaría de Gobernación de los Estados Unidos Mexicanos para la Repatriación Ordenada, Ágil y Segura de Migrantes Salvadoreños Vía Terrestre desde México.**
  
- **Memorando de entendimiento entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República de**

**El Salvador para la protección de las personas, especialmente mujeres y menores de edad, víctimas de la trata y el tráfico ilícito.**

**85. Con Guatemala:**

- **Memorando de Entendimiento entre la República de El Salvador y la República de Guatemala para la Protección de las Víctimas de Trata de Personas y del Tráfico Ilícito de Migrantes.**
  
- **Mecanismos para la facilitación de la Repatriación Ordenada, Ágil y Segura de migrantes salvadoreños vía terrestre desde México entre las Repúblicas de El Salvador y Guatemala.**

**86. A nivel regional (Centroamérica y México):**

- **Memorando de Entendimiento entre los Gobiernos de los Estados Unidos Mexicanos, de la República de El Salvador, De la República de Guatemala, de la República de Honduras, y de la República de Nicaragua para la repatriación ordenada, ágil y segura de nacionales migrantes centroamericanos vía terrestre.**

**87. A nivel nacional**

- **Elaboración de la Guía del Servicio Exterior para el Combate a la Trata de Personas, financiada por la Organización Internacional del Trabajo, OIT.**

- **Elaboración y aprobación del Manual de Procedimientos Salvadoreño para la Repatriación de Niños, Niñas y Adolescentes Víctimas de Trata de Personas, apoyado el proceso por OIM.**
- **Elaboración y aprobación de la Política Nacional para la Erradicación de la Trata de Personas en El Salvador, apoyada por CORDAID y CEMUJER.**
- **Apoyo en la elaboración del Plan Nacional contra la Trata de Personas.**
- **Elaboración y aprobación del Manual de Procedimientos y Función de los Albergues de Víctimas de Trata en El Salvador.**
- **Se elaboró el documento denominado “Guía de Coordinación Interinstitucional para la Judicialización de los casos del delito de la Trata de Personas”.**

#### **88. Creación del Albergue para víctimas de Trata.**

- **El Salvador crea un Albergue para la Asistencia a Víctimas de Trata de Personas en El Salvador el 4 de abril de 2006, el cual es coordinado por el Instituto para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA.**
- **Hasta mayo del 2008 el Albergue de víctimas de trata ha atendido 128 víctimas (7 reingresos) de distintas nacionalidades entre nicaragüenses, hondureñas, guatemaltecas, mexicanas, colombianas y salvadoreñas.**

**MEXICO**

**89. La Ley Federal para prevenir y Eliminar la Discriminación (LFPED) entró en vigor en 2003 con el propósito de reglamentar el artículo 1 constitucional. La LFPED crea, por primera vez en la historia de México, mecanismos legales para prevenir y eliminar todas las formas de discriminación contra cualquier persona provenientes de servidores públicos o de particulares, así como para promover la igualdad de oportunidades y de trato. De hecho, enumera las conductas discriminatorias, incluidas las de raza y origen étnico, que quedan prohibidas y dispone de algunas medidas positivas y compensatorias que los órganos públicos y las autoridades federales deberán adoptar a favor de la igualdad de oportunidades de los principales grupos en citación de vulnerabilidad.**

**90. Derivado de este ordenamiento jurídico, se creó el Consejo Nacional para prevenir la Discriminación (CONAPRED) que entró en funciones en marzo de 2004. El CONAPRED es el órgano de Estado responsable de hacer cumplir las normas antidiscriminatorias y de articular la política federal contra todas las formas de discriminación. El CONAPRED ha diseñado una estrategia para reducir los niveles de discriminación en el país sustentada en la promoción de la cultura de la no discriminación, el diseño de políticas publicas, la armonización legislativa, la elaboración de estudios especializados sobre el tema, la atención específica sobre actos discriminatorios y la vinculación con las instituciones internacionales en materia de derechos humanos.**

**91. Para el cumplimiento de sus funciones, el CONAPRED ha diseñado el Programa Nacional para Prevenir y Eliminar la Discriminación, que entró en vigor en 2006 y que constituye la primera política pública en esta materia en la historia del país. Este Programa establece las guías de orientación para el trabajo institucional en coordinación con las distintas dependencias de la Administración Pública Federal así como las medidas específicas para la atención a los principales grupos discriminados en México entre los que se encuentran los afro-descendientes y los indígenas con una perspectiva transversal que atraviesa los ámbitos de la salud, educación acceso a la justicia y trabajo. Actualmente, la CONAPRED, en coordinación con otras instituciones, está terminando el diseño de la nueva versión del Programa Nacional para Prevenir y Eliminar la Discriminación que tendrá vigencia en el periodo 2008-2013.**

**92. XVII Conferencia Internacional sobre el SIDA (3 al 8 de agosto de 2008, México), siendo la primera vez que esta conferencia se realiza en la región de América Latina, donde hay márgenes amplios de discriminación sobre esa base. La Conferencia de SIDA incluye acciones de prevención y combate a esta enfermedad que parten del reconocimiento de la superación gradual del estigma, la discriminación y la homofobia que se asocia también al acceso a los servicios de salud por esta causa.**

**93. A iniciativa de México en el año 2007 se creó la Red Iberoamericana de Organismos y organizaciones contra la Discriminación (2007) como un mecanismo de coordinación institucional entre instituciones de 17 países de la región y de distintas organizaciones sociales que se dedican a la atención de la discriminación. La coordinación institucional permite**

sumar esfuerzos, aprender mutuamente y beneficiarse de experiencias exitosas en distintos países de la región, así como elevar la importancia de la temática de la discriminación en la agenda pública.

#### NICARAGUA\*

**94. Nicaragua como Estado parte de la Convención Internacional sobre la Eliminación de todas las formas de Discriminación Racial y participante en la Conferencia de Durban, se ha comprometido en adoptar medidas con el propósito de respetar, promover y estimular el respeto efectivo de los derechos humanos y de las libertades fundamentales contemplados en los instrumentos internacionales de derechos humanos y en la Constitución Política, sin distinción alguna, por motivos de raza, sexo, idioma o religión, y especialmente adoptar acciones afirmativas en beneficio de los pueblos indígenas y afro descendientes.**

- **Se logró crear una Comisión de asuntos étnicos, encargada de promover normas legislativas, administrativa y de otra índole, a favor de las comunidades indígenas y afro descendientes dentro de la Asamblea Nacional. Así como una Secretaría para asuntos de la Costa Caribe encargado de organizar las acciones del gobierno que permitan fortalecer la institucionalidad regional y promover el desarrollo en las regiones autónomas y comunidades indígenas de la Costa Caribe, a su vez coordina el enlace entre la Presidencia de la República con los restantes Poderes del Estado, en temas relativos a las Regiones Autónomas.**
- **Mediante Decreto Presidencial, se formó la Secretaría para Asuntos Indígenas y Afro ‘descendientes dentro del Ministerio de Relaciones Exteriores, el cual coordinará todos los Asuntos Indígenas contemplados por las Organizaciones, Tratados y Acuerdos Internacionales.**



- **Por el Compromiso del Gobierno de Reconstrucción y Unidad Nacional, de reducir la pobreza en el país, lo que incluye revertir la exclusión histórica a que han estado sometidos los pueblos Indígenas Miskitus y Mayagnas de la cuenca del Alto Wagni y Bocay. Se Declaró mediante Decreto Presidencial en Régimen Especial de Desarrollo para fines de atención Ejecutivo, de los territorios indígenas Oiskitu Indian Tasbaica Kum, Mayagna Sauni Bu y FIPLA Sait Tasbaika.**
  
- **Se incluyó dentro del Plan Nacional y Regional del Gobierno de Reconstrucción y Unidad Nacional, de manera prioritaria, los temas de Derechos Humanos en especial pueblos indígenas y afro-descendientes, para lo cual ha incluido en el Gabinete de Gobierno a funcionarios de las regiones autónomas de diversas etnias, con el fin de promover y facilitar las comunicaciones con las diversas étnicas, identificar e impulsar de manera conjunta los programas de acción en beneficios de los mismos.**
  
- **Reconocimiento del Gobierno de Reconstrucción y Unidad Nacional de los Consejos de Ancianos, en su papel de Representantes de sus Comunidades. Al igual que los Síndicos quienes son jueces locales, electos por sus comunidades, encargados de administrar justicia a nivel comunitario, lo que está contemplado dentro de los procedimientos de acceso a la justicia por parte de los Pueblos Indígenas.**
  
- **Tipificación del delito de Discriminación dentro del nuevo Código Penal nicaragüense, promoviendo así el respeto y el ejercicio efectivo de los Derechos Humanos de los Pueblos Indígenas, Afro descendientes y demás sectores víctimas de discriminación racial.**

- **Se creo un Estatuto de Autonomía Ley 28 que concede atribuciones, jurídicas, políticos, administrativos, económicos, a los Consejos Regionales. Asimismo se creo la Ley 445 que regula el derecho a tierras y territorios a las Regiones Autónomas.**
- **Capacitación de la sociedad civil y representantes de las instituciones gubernamentales, sobre Derechos Humanos, con énfasis en los Derechos de Minorías, para reducir así, la discriminación en nuestro país.**
- **Apoya la creación de la mesa del Comité Preparatorio para la Conferencia de Examen de Durban 2009, la que debe constituirse manteniendo el principio de**

**95. Nicaragua dentro del proceso de sensibilización; a través de la Procuraduría de Derechos Humanos, se promovió la creación de una Comisión Post Durban, la que es de carácter mixta y cuenta con la participación de instituciones estatales, representantes de varios sectores y organizaciones de la sociedad nicaragüense y de cooperación social, tales como: Procuraduría de Derechos Humanos (PPDH), Ministerio de la Familia (MIFAMILIA), Policía Nacional, PNUD, Ministerio de Relaciones Exteriores (MINREX), Centro San Lucas, Parlamento Indígena de América, Universidad Regional Autónoma de la Costa Caribe de Nicaragua (URACCAN), CEDEHCA, y otros.**

**96. Esta comisión tiene como objetivo fundamental la promoción y divulgación nacional de la lucha contra el racismo, la discriminación, la concertación y ejecución de un Plan de Acción, que permita avanzar en el proceso de autonomía de las regiones del atlántico, que incorpore en condiciones dignas de igualdad a los pueblos del pacifico y centro norte, facilitando la construcción de una sociedad verdaderamente equitativa, inclusiva y multiétnica.**

**97. Nicaragua considera, que la política de participación directa de representantes o miembros de los pueblos indígenas, afrodescendientes y de sectores vulnerables, que son víctimas de discriminación, en las actuaciones de las instancias decisorias, tanto de los órganos de los Estados, tal como la está haciendo el Gobierno de Reconciliación y Unidad Nacional de Nicaragua, es una buena práctica, que puede ser considerada para su aplicación en otros países.**

**98. En estos momentos, los pueblos indígenas y afrodescendientes, por ejemplo, tienen varias instancias de participación y decisión, tanto a nivel local como a nivel nacional dentro del gobierno. Igualmente, Nicaragua considera como buenas prácticas, el fortalecimiento de las Comisiones Nacionales, tal como lo han efectuado algunos países, por lo que propone instar a los Gobiernos a que se fortalezcan estas instancias, que son los órganos que brindarán el seguimiento interno permanente, sobre el cumplimiento de la Declaración y Plan de Acción de Durban.**

**\*Nicaragua no ha indicado al secretariado qué de lo arriba escrita constituye las tres ejemplos de buenas prácticas que quería incluidos en el presente documento.**

## **URUGUAY**

**99. Aprobación de la ley 17817 de fecha 6 de septiembre de 2004 sobre la lucha contra el racismo, la xenofobia y todas las formas de discriminación y la instalación el 23 de marzo de 2007 de la Comisión Honoraria contra el racismo, la xenofobia toda forma de discriminación, integrada por representantes del estado y de la sociedad civil con el objetivo de proponer políticas nacionales y medidas concretas para prevenir y combatir el racismo, la xenofobia y la discriminación incluyendo normas de discriminación positiva.**

- 100. Aprobación de la ley 18104 sobre promoción de la igualdad de oportunidades y derechos entre hombres y mujeres de la República Oriental del Uruguay y la aprobación del primer plan nacional de igualdad de oportunidades y derechos 2007-2011, a través del decreto 184/2007. Asimismo, la aprobación de la ley de Unión concubinaria en el corriente año.**
- 101. Integración de personas afrodescendientes a las estructuras del estado a través de la creación de unidades o asesorías en materia de equidad racial en ministerios y municipios, así como la designación de un asesor presidencial en materia de equidad racial. Se destaca asimismo el apoyo otorgado por Uruguay a la organización de la primera, segunda y tercera Consultas Latinoamericana y Caribeña de organismos estatales de equidad racial realizada en Uruguay y Ecuador con el apoyo de la oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos. Asimismo, se organizó en Montevideo, en septiembre de 2007, la Conferencia Regional de la coalición latinoamericana y caribeña de ciudades contra el Racismo, la Discriminación y la xenofobia, aprobándose su estructura y estatutos.**

## VENEZUELA

- 102. Creación del Ministerio del Poder Popular para los Pueblos y Comunidades Indígenas como órgano rector de las políticas gubernamentales para el ámbito indígena, el cual tiene como objeto facilitar e impulsar el fortalecimiento de las comunidades tradicionales indígenas (ancestral comunal indígena), como vía para la difusión de las políticas creadas de forma colectiva para dar respuestas a las necesidades mas urgentes de los pueblos y comunidades indígenas.**

- 103. Incorporación de los aportes históricos, morales, espirituales, políticos, sociales y culturales de las comunidades afrodescendientes en la construcción de la diversidad y la identidad cultural, a través de la creación de instituciones destinadas a la Prevención y Eliminación de todas las Formas de Discriminación Racial.**
- 104. Incorporaron plena de las personas con discapacidad al desarrollo del país, con base en la perspectiva de derechos humanos, especialmente en lo relativo al acceso al empleo, otorgamiento de ayudas técnicas, abordajes sociales en comunidades en extrema pobreza, asesorías en diversas áreas, donaciones, impulso a la participación plena y protagónica de las personas con discapacidad, a través de la creación del Consejo Nacional para las Personas con Discapacidad.**

- - -

**Compilation of paragraphs proposed during the 10<sup>th</sup> meeting held on  
10 October 2008 for use in the drafting process of the outcome  
document of the Durban Review Conference**

**Section Five**

**Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments thereto, including in light of developments since the adoption of the DDPA in 2001<sup>2</sup>**

**Facilitator: Dr. Dayan Jayatileka (Sri Lanka)**

---

<sup>2</sup> During its 2<sup>nd</sup> substantive session from 6 to 17 October 2008, the Preparatory Committee for Durban Review Conference was able to discuss paras. 1-39 of the present section

**TABLE OF CONTENTS**

	<b>Paragraph</b>
<b>1. General</b>	<b>1-15</b>
<b>2. Identification of further concrete measures and initiatives</b>	
<b>(a) National Level</b>	<b>16-123</b>
<b>(b) Regional/International Level</b>	<b>124-136</b>
<b>(c) International Legal Framework</b>	<b>137-142</b>
<b>(d) Human Rights Council and its Mechanisms</b>	<b>143-149</b>
<b>(e) Office of the High Commissioner for Human Rights</b>	<b>150-153</b>

## SECTION: V

**Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments thereto, including in light of developments since the adoption of the DDPA in 2001**

### 1. General

1. *Reaffirms the importance of the DDPA* as an important milestone in the collective struggle of mankind against the scourge of racism, racial discrimination, xenophobia and related intolerances.
2. *Reaffirms* that the Durban Declaration and Programme of Action provide a comprehensive framework to address all forms of racism, **racial discrimination, xenophobia and related intolerance**

Proposal 1 by the Facilitator (the language of para. 5 of the present document could be merged with para.2): [based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation],

OR

Proposal 2 by the Facilitator (the language of para. 2 of the Durban Declaration could be added at the end of para.2): “on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status;”

3. [*Rejects* any doctrine of racial superiority along with theories or doctrines which attempt to determine the existence of separate human races, as well as any implicit acceptance of such theories or doctrines which could emerge from the use of the terms ‘race’ or ‘racial’;]
4. [*Reaffirms* the fundamental unity of the human race and that all human beings belong to a single species;]
5. [*Reaffirms* that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or [sexual orientation] shall be prohibited;]

{This para. could be merged with para. 2 according to Proposal 1 }



6. *{moved to Section V. 2. (a) as orally amended}*
7. *{moved to Section V. 2. (a)}*
8. *[Requests all States to give more attention to multiple and aggravated forms of discrimination and to fight them with increased determination;]*
9. *[Expresses concern at the increasing incidence of racism in various sporting events while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism and in this regard inviting all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;]*
10. *[Underlines the importance of the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion 1981;]*
11. *[Requests all States to avoid the establishment of a hierarchy among potential victims of racism and discrimination;]*
12. *[Intellectual and political resistance to multiculturalism is one of the root causes of the resurgence of racist and xenophobic violence. Rejection of diversity has led to negation of the very humanity of the immigrants, foreigners and minorities. The most serious manifestation of racism is the democratic legitimization of racism and xenophobia in the guise of defending 'national identity or preference'. No country, religion or minority should be discriminated on the grounds of its race, colour and creed;]*
13. *{moved to Section V. 2. (a)}*
14. *{moved to Section V. 2. (a)}*
15. *[Requests States to respect and implement the responsibility to protect in conformity with paragraphs 138-139-of the World Summit Outcome;]*

New para. suggested by the Facilitator: Identifies the following further concrete measures and initiatives:

## **2. Identification of further concrete measures and initiatives:**

### **(a) National Level**

{former para. 6 as orally amended, moved as proposed by the Facilitator} Calls upon all States to take specific measures for the promotion and protection of the fundamental rights and freedoms of victims of racism, racial discrimination, xenophobia and related intolerance, specially children, youth, women, disabled people, people living with HIV/AIDS, migrants, refugees, indigenous peoples,

people of African and Asian descent and other vulnerable groups;

{former para. 7, moved as proposed by the Facilitator} [Reiterates its concerns regarding acts of violence, discrimination and human rights violations committed against individuals on the grounds of their sexual orientation and gender identity, and invites States, whenever possible, to consider appropriate measures to tackle such problems.]

***Legislative, judicial, regulatory, administrative and other measures***

16. [*Urges* States to adopt and enforce legal and administrative measures at the national and local levels, or to strengthen existing measures, with the aim of preventing and punishing expressly and specifically contemporary forms of racism, racial discrimination, xenophobia and related intolerance in public and private life];
17. [*Urges* States to bolster protection against racism, racial discrimination, xenophobia and related intolerance, thereby ensuring that everyone enjoys access to the administration of justice, competent national tribunals and other State institutions and mechanisms, in order to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, and also stresses the importance for complainants of acts of racism and racial discrimination to have access to the protection of the law and the courts, and draws attention to the need to raise awareness of judicial recourse and other existing legal remedies and for these to be easily accessible, speedy and not excessively complicated];
18. *Urges* States to amend, rescind or nullify, as required, laws and regulations which create, perpetuate or contribute to racism, racial discrimination, xenophobia and related intolerance;
19. [*Urges* States to adopt and enforce legal and administrative measures at the national and local levels with the aim of preventing, investigating and bringing to trial and punishing any acts prompted by contemporary forms of racism, racial discrimination, xenophobia and related intolerance by any law-enforcement officials];
20. [*Calls upon* States to produce data and indicators disaggregated by race and ethnicity, whether in undertaking censuses or in gathering, compiling, analysing and disseminating the data, at the national and local levels, which must also take into consideration such social and economic indicators as average income, access to health services, maternal and infant mortality, life expectancy, literacy rate, access to education, employment opportunities, quality of housing, land ownership and access to water, health and communications services];
21. [*Expresses* its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation, and strongly appeals to all States Parties to the Convention to comply with their legal obligations under the

Convention and the Committee's recommendations ];

Facilitator's Proposal: [*Expresses* its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation, and strongly appeals to all States Parties to the Convention to comply with their legal obligations under the Convention and to follow-up on the Committee's recommendations ];

22. [*Urges* States to include in their national reports to the universal periodic review mechanism of the United Nations Human Rights Council information on the measures being taken to combat discrimination];

***Policies and practices***

23. [*Calls upon* States to put in place policies and to establish mechanisms, including by means of international cooperation, to identify, prevent and punish contemporary forms of racism, racial discrimination, xenophobia and related intolerance];

24. [*Urges* States to continue implementing Durban Declaration and Programme of Action effectively and to adopt or strengthen as required, as a matter of high priority, laws, policies and measures aimed at countering and eradicating racism, racial discrimination, xenophobia and related intolerance];

Facilitator's Proposal: [to move this paragraph to the declaratory part of the outcome document]

25. [*Invites* States to consider affirmative action and other equity-oriented public policies which attempt to remedy and overcome historical exclusions];

26. [*Urges* States to take the measures required to extend protection against all discriminatory and intolerant practices, including those based on race, colour, descent, national or ethnic origin, nationality, age, gender, sexual orientation, gender identity and expression, language, religion, political or any other opinion, social origin, social and economic status, level of education, status as a migrant, refugee or repatriated person, stateless person or internally displaced person, the fact of living with an infectious or contagious disease or any other stigmatizing mental or physical health condition, genetic characteristic, disability, incapacitating mental condition or any other social condition, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments];

27. [*Notes* the importance of protecting people from all forms of discrimination, acknowledging that the existence of multiple and aggravated forms of discrimination underscores the need for cross-cutting policies];

28. *Encourages* States to promote at the national level strategies, programmes and policies, including [affirmative action], for the full realization of the civil and political rights of victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to political, judicial and administrative institutions, as well as the need to promote access to justice free from racial discrimination of any kind;
29. [*Encourages* States to promote at the national level strategies, policies and programmes, including affirmative action, for the promotion and protection of the economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance and for affording greater opportunities to them to share in the prosperity and wealth of the societies they live in, as well as for guaranteeing that the benefits of development, science and technology contribute effectively to the improvement of the quality of life of such victims];
30. *Encourages* States to devise and implement national and local action plans to foster diversity, equal opportunities, social equity and justice;
31. [*Urges* States to promote capacity-building in human rights, tolerance and awareness-raising, through the use of tools and training methods, particularly targeted at eliminating discriminatory behaviour and institutional racism with regard to the intercultural relationships of officials responsible for upholding the law and developing public policies];

Facilitator's Proposal: [to move the paragraph to 2.(a), under the sub-title on Education and awareness-raising]

32. [*Urges* States to mainstream the promotion of racial and gender equality when formulating public policies];

33. {deleted as it was repeating the text of para 30}

34. {deleted as it was repeating the text of para.32}

35. [*Elaborating*, in each country where they do not exist, within the framework of national human rights programmes, targets and actions in the field of capacity-building and a programme of human rights education and identification of needs and shortcomings associated with international cooperation];

Facilitator's Proposal: [to move the paragraph to 2.(a), under the sub-title on Education and awareness-raising]

36. [*Defining*, within the framework of national human rights programmes, targets and actions in compliance with the Universal Declaration of Human Rights aimed at, among other things, eliminating discrimination of any kind, such as on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status];

37. *[Calls upon* States to develop social policies, as appropriate, in order to encourage stable and harmonious relationships between different nations, peoples and groups, fostering mutual understanding, solidarity, tolerance and the development of a culture of peace];
38. *Calls upon* States, taking into account the good practices mentioned in part III, to [formulate cooperative programmes] to promote equal opportunities in favour of victims of racism, racial discrimination, xenophobia and related intolerance and encourages them to propose the creation of [multilateral cooperative programmes] with the same objective ;
39. *[Acknowledges* the need to allocate additional funds to implement anti-discrimination policies and the significance of international cooperation and technical assistance in that area];

***Establishment of independent national institutions***

40. *Urges* States to ensure the independence of national human rights institutions, together with their dovetailing and coordination in practice, both with specialized State bodies and mechanisms and with other civil society stakeholders, particularly in respect of the prevention of racism, racial discrimination, xenophobia and related intolerance;
41. *Urges* States to ensure the independence of national human rights institutions, together with their dovetailing and coordination in practice, both with specialized State bodies and mechanisms and with other civil society stakeholders, particularly in respect of the prevention of racism, racial discrimination, xenophobia and related intolerance;
42. *Devising* programmes and the creation of national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles;
43. *Urges* States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of truly independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Paris Principles and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena;
44. *Encourages* States to establish and strengthen, where required, national human rights institutions, and other similar entities to address problems connected to endemic racism, racial discrimination, xenophobia and related intolerance and to assist victims of such discrimination in areas of their jurisdiction;
45. *Calls upon* States to establish and equip specialized State bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance and to promote racial

equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness-raising activities;

### *Migrants*

46. *Underscores* the need to step up efforts to protect the human rights of migrants, whatever their migratory status, together with the importance of upholding the duty of States Parties to the Vienna Convention on Consular Relations to comply with that Convention, including the obligation on States Parties on whose territory foreign nationals are detained to inform them of their right to communicate with their consular officers, which was upheld in the ruling of the International Court of Justice of 31 March 2004 in the case *Avena and Other Mexican Nationals (Mexico v. United States of America)*;
47. *Protecting* the human rights of migrants whether regular or irregular;
48. *Countering* anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;
49. To assess by sector the gap between national labour demand and supply;
50. To promote the conclusion of bilateral and multilateral labour agreements to fill this gap and thus to reduce, with a view to its ultimate elimination, irregular migration to destination States and the practice of human trafficking;
51. *Calls* on States to ensure that law enforcement and immigration officials and personnel conduct their work in a manner in which the respect for the human rights of non-citizens and migrants shall be fully respected;
52. *Stresses* the seriousness of racist and xenophobic behaviour and practices in country entry points and in reception and waiting areas, and urges States not to permit these areas to be turned into areas operating outside the law for non-nationals in general, and, above all, for immigrants and asylum-seekers;
53. *Urges* States, stressing the importance of cooperation between countries of origin, transit and destination to ensure the full protection of the human rights of all migrants and in the light of the increase in migration flows, to devise policies to escort and protect nationals abroad in accordance with the applicable legal arrangements;
54. *Urges* States, bearing in mind migrants' economic and cultural contributions to their destination societies and communities of origin, to formulate and put in place policies and action plans to foster harmony and tolerance between migrants and their host societies with a view to eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence;
55. *Urges* States to establish national programmes to promote the access, without any discrimination, of migrants and other racial, ethnic, national, cultural,

religious and linguistic groups or minorities and indigenous populations, where they exist, to basic social services, including primary education and basic health care;

56. *Replicating* the policy of a major destination State on the collection, compilation, analysis and publication of reliable statistical data on irregular migrants pursuant to paragraph 92 of the Durban Programme of Action so as:
57. *Also urges* States to develop and take measures to spur on efforts to combat racism, racial discrimination, xenophobia and related intolerance, taking into account such challenges as the political manipulation of the phenomenon of racism and xenophobia and the efforts to accord ideological, scientific and intellectual legitimization to racist and xenophobic discourse and practices that consider ethnic or racial origin and immigration to at the root of social, economic and political problems;

### ***Refugees***

58. *Encourages* States to continue to implement measures to deal with the situation of refugees and those seeking refugee status, taking into account the programmes for borders, cities and resettlements of solidarity proposed in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, adopted in Mexico City in 2004;

### ***People of African and Asian decent***

59. *Calls upon* States to continue to address the problems of racism, racial discrimination, xenophobia and related intolerance against people of Asian descent and urge States to take all necessary measures to eliminate the barriers that such persons face in participating in economic, social, cultural and political life;
60. *Calls upon* States to continue to address the problems of racism, racial discrimination, xenophobia and related intolerance against people of Asian descent and urge States to take all necessary measures to eliminate the barriers that such persons face in participating in economic, social, cultural and political life;
61. *Urges* States to take measures that, consonant with international human rights standards and the respective legal systems of each State, ensure access and/or collective ownership of the lands that have traditionally been owned, occupied or used in another form by indigenous peoples and those of African descent, in addition to promoting the productive use thereof, the comprehensive development of the community and the respect for its culture and the particular characteristics of its decision-making processes;
62. *Also urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever

possible, affirmative action quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;

63. *Calls upon* States to include a gender perspective in action programmes against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of discrimination weighing, in particular, upon indigenous women and those of African descent, together with women from other disadvantaged groups, so that their access to productive resources on equal terms with men is ensured, as a means of promoting their participation in the economic and productive development of their communities;
64. *Urges* States to put in place policies to promote ethnic and racial diversity in the labour market to meet the need for, in particular, the practical incorporation of women of African descent into the labour market, in both the public and private sectors, and in income and employment-generation programmes;
65. *Also urges* States and encourages non-governmental organizations and the private sector:
- a) To incorporate specific issues relating to the health of the population of African descent into training and capacity-building for health-care professionals;
  - b) To promote training and capacity-building for a health-care sector workforce that is racially and ethnically diverse and motivated to work in communities where services are scant;
  - c) To encourage research into the health of the population of African descent;
66. *Urges* States to put into practice affirmative action programmes with a view to promoting genuine equal opportunities and treatment for indigenous students and those of African descent in access to, and remaining in, all levels of high-quality education, particularly higher education, together with equality and non-discrimination in access to employment;
67. *Urges* States to focus new investments on health care, education, public health, electricity, drinking water and environmental control, together with other affirmative action measures in communities principally comprising people of African descent and indigenous peoples;

### ***Indigenous Peoples***

68. *Calls for* the strengthening of the existing network of specialized State bodies and mechanisms for racial equality, efforts to combat racism and the rights of indigenous peoples;
69. *Urges* States to tackle the issue of indigenous young people and those of African descent and violence, particularly in the peri-urban areas of major cities, from a social and human rights perspective in which focus is placed on



the strengthening of social capital and the building of the capacities of indigenous young people and those of African descent;

### ***Women and Children***

70. *Urges* States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the effective implementation of national legislation and obligations under relevant international instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;
71. *Acknowledges* the need to make progress in including a gender focus in programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to tackle the phenomenon of multiple and aggravated discrimination against women;
72. *Calls upon* States to promote social equity, gender equality and women's human rights by strengthening and promoting women's full and equal participation in the political process in their countries and in the decision-making process at all levels;
73. *Urges* States to provide protection to and address the situation of women and children who suffer from racial discrimination in the formulation of national programmes of action against racism, racial discrimination, xenophobia and related intolerance;
74. *Calls upon* States to make progress in formulating programmes and measures to eradicate multiple or aggravated discrimination, particularly gender-based discrimination;
75. *Urges* States to include in their domestic legislation such criminal, civil and administrative provisions, in addition to those of any other nature, that may be required to prevent, punish and eradicate violence against women and to take the appropriate administrative measures required
76. *Urges* States to promote policies to ensure equal pay for equal work between men and women, together with equal pay for work of equal value;

### ***Internally Displaced Persons***

77. *Urges* Member States, in discharging their responsibility to internally displaced persons, using comprehensive strategies, based on a human rights perspective and specialized public care policies, to undertake to provide such persons with protection and assistance during their displacement through their competent national institutions, and urges them to commit themselves to seeking lasting solutions, including their safe return, in dignified conditions, in accordance with the will of the internally displaced persons, leading to their

resettlement and reintegration, whether in their country of origin or in the receiving community;

### ***Trafficking***

78. *Urges* States to pass and implement legislation to combat trafficking in persons, particularly women and children, including people of African descent, indigenous peoples and other vulnerable groups, together with trafficking in migrants, taking into account the practices that endanger human lives or cause various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation, and urges States to bring into force and strengthen their national plans to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld, along with the protection of victims and the restitution of their rights, and also bolster bilateral, regional and international cooperation, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;

### ***Role of Politicians and Political Parties***

79. *Advocating* and mobilizing the political will of relevant actors at the national level for the elimination of racism, racial discrimination, xenophobia and related intolerance;
80. As has also been highlighted in different reports under agenda item 9, one of the principal reasons fomenting the tide of racism is the growing increase in the right wing extremist political discourse, including in some of the most liberal and pluralistic societies. This trend has led to the deepening of the racist tendencies in those societies through propaganda against immigrants and promotion of cultural and religious superiority doctrines. Immunity granted to such acts has led to denial of basic human rights to the affected communities including their right to freely practice and preserve their religious and cultural identities. Effective legislation is needed at the national, regional and international levels to curb these tendencies as well as to ensure relief to the victims;
81. *Urges* States to adopt, and implement strictly, stringent laws against political platforms and ideologies based on racism, racial discrimination, xenophobia and related intolerance or doctrines of racial or national superiority;

### ***Education and awareness-raising***

82. *Urges States* to analyse and restructure their educational systems so that the curricula, fields of study and programmes reflect the universal nature of the human race and the multi-ethnic and multicultural character of the region, and acknowledge the valuable contributions to the formation of national societies by, among others, people of African descent, indigenous peoples and migrants;

NEW PROPOSAL (by delegations as of 17 October 2008) Requests States to include human rights education in national action plans against racism, racial discrimination,

xenophobia and related intolerance, as set forth in the World Programme for Human Rights Education, in order to foster respect for and appreciation of differences and opposition to discrimination on the basis of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental condition, and on other bases.

83. *Also urges* States to agree to ensuring access to education, particularly access for all children to free primary education and access for adults to continuous training and education, based on respect for human rights, diversity and tolerance, free of any form of discrimination;
84. *Calls upon* States, where appropriate, to take suitable measures to ensure that persons belonging to national, ethnic, religious and linguistic minorities have access to education free of any form of discrimination and that, whenever possible, they have the opportunity to learn their own language, with a view to protecting them from any form of any racism, racial discrimination, xenophobia and related intolerance of which they could be the target;
85. *Requests* States to include in the curriculum for the training and capacity-building of teachers topics relating to the importance of respect for diversity, including issues of gender, race and ethnic relations, sexual orientation and gender identity;
86. *Notes* the enduring challenge of including the knowledge and history of people of African descent in educational curricula, and celebrates the publication and dissemination of the *Manual and Guia de los afrodescendientes de las Américas y el Caribe* (“Handbook” and “Guide for people of African descent of the Americas and the Caribbean”), published by the United Nations Children’s Fund;
87. *Enhancing* the roles of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;
88. *Encourages* all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding amongst various cultures and civilizations;
89. *Urges* States to initiate public information campaigns to promote respect for the values of diversity, pluralism, tolerance, mutual respect, cultural sensitivity, integration and inclusiveness;

### ***Health and Environment***

90. *Urges* States to take measures to facilitate access to medication and treatment and public education, capacity-building and information programmes to eradicate violence, stigmatization, discrimination, unemployment and other adverse effects for persons living with HIV/AIDS and other stigmatizing infectious and contagious diseases; and welcomes the convening of the XVII International AIDS Conference, which will take place in Mexico City from 3 to 8 August 2008;

91. *Urges* States to take measures to ensure that all persons enjoy equal access to high-quality health services, including primary health care; in addition to including training and capacity-building programmes for staff who work in the health sector to prevent discrimination;
92. *Urges* States to implement measures to fulfil the right of each person to enjoy the maximum level attainable of physical and mental health, in seeking to eliminate imbalances in health conditions that can stem from racism, racial discrimination, xenophobia and related intolerance;

***Foreign occupation***

93. *Expresses* deep regret the practices of racial discrimination against the Palestinians as well as other inhabitants of the Arab occupied territories which have an impact on all aspects of their daily existence such as to prevent the enjoyment of fundamental rights, express our deep concern about this situation and renew the call for the cessation of all the practices of racial discrimination to which the Palestinians and the other inhabitants of the Arab territories occupied by Israel are subjected;

***Incitement to religious hatred***

94. *Calls upon* States to promote and protect the exercise of the rights set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981, in order to obviate religious discrimination which, when combined with certain other forms of discrimination, constitutes a form of multiple discrimination;
95. *Prohibiting* by law, and adopting necessary policy measures to combat, the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred;
96. *Ensuring*, in relation to the two above-mentioned themes:
- a) That lawmakers in every country discharge their responsibilities in conformity with paragraph 2 of article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, taking due account of General Comment 15 of the Committee on the Elimination of Racial Discrimination;
  - b) That model legislation on this issue is elaborated through a joint exercise to be undertaken by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee;
  - c) That permissible limitations on the exercise of the right to freedom of expression are elaborated and, where appropriate, incorporated into national legislation;
  - d) That a voluntary ethical code of conduct is elaborated, in association with the International Federation for Journalists, to address racism in the media and other modern information and communication technologies while taking into account fundamental issues, such as the right to freedom of expression, and to eliminate the projection and perpetuation

through the media and new technologies of negative images and stereotypes of African people and people of African descent;

- e) Establishing the necessary complementarity and balance between human rights and fundamental freedoms with a view to fighting racism, racial discrimination, xenophobia and related intolerance;

97. *Calls* upon all Member States to continue international efforts to enhance dialogue and broaden understanding amongst civilizations, in an effort to prevent the discriminatory targeting of different religions and cultures;

98. *Invites* States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;

99. *Operationalizing* the recommendation of the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and freedom of religion or belief that the Human Rights Council invite member States to promote and practice dialogue among cultures, civilizations and religions as a profound way of combating racial and religious intolerance. To that end, the following approaches are suggested:

- a) Promotion of reciprocal knowledge among cultures, civilizations and religions, with a particular emphasis on value systems;
- b) Adoption of policies and programmes in the fields of education, social, economic and cultural life favouring interactions among communities;
- c) Recognition of the value of cultural and religious diversity associated with the promotion of unity within society;
- d) Creation of conditions that facilitate encounters, dialogue and joint action for social harmony, peace, human rights and development, and combat all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

100. *Urges* States to take serious steps to address the contemporary forms of racism, racial discrimination, xenophobia and related intolerance and in this context to take firm action against negative stereotyping of religions and defamation of religious personalities, holy books, scriptures and symbols;

### ***Racial profiling***

101. *Prohibiting* by law, and adopting the necessary policy measures to eliminate, racial profiling and profiling based on any grounds of discrimination recognized under international human rights law, providing for sanctions for those who violate the law and ensuring effective redress for their victims;

102. *Calls* on States to ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin as well as on the grounds of

culture, religion and language and that non-citizens are not subjected to racial or ethnic profiling or stereotyping;

103. *Urges* States to formulate, implement and ensure compliance with practical measures to eradicate the phenomenon commonly known as “racial profiling”, which includes the practice whereby police officers and other officials responsible for upholding the law act on the basis, to some extent or other, of race, colour, descent or ethnic or national origin as a reason for investigating persons or determining if a person is committing offences;
104. *Requests* States to produce a system of racial equality indicators and/or a racial equality index that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, together with the promotion of racial equality;
105. *Calls upon* States to consider implementing more widespread and systematic discrimination testing (‘situation testing’) in order to facilitate a clearer assessment of the magnitude and mechanisms of discrimination in areas such as education, employment, housing and health provision, and to provide evidence with which to supplement official data;

#### ***Media & Internet***

106. *Urges* States to take necessary measures to denounce, actively discourage and prohibit the transmission of racist and xenophobic messages through all communications media, including new communications technologies such as the Internet;
107. *Calls upon* States to develop, in cooperation with multilateral organizations, internet service providers, private sector stakeholders and civil society, and taking into account the principles of multilateralism, democracy and transparency, a coordinated global strategy to formulate a voluntary code of conduct to prevent the dissemination of messages of racial hatred and intolerance;
108. *Urges* States to disseminate information, through appropriate means, including the use of the media and school curricula, to promote a spirit of respect for diversity and inclusiveness amongst the various racial, ethnic, national, linguistic and cultural groups;
109. *Recommends* that the use of the new information technologies, including the Internet, should contribute to combating racism, racial discrimination, xenophobia and related intolerance and that they should also be used to promote tolerance and respect for diversity;
110. *Calls upon* the world media to establish and disseminate through their relevant associations and organizations a code of ethical conduct with a view to prohibiting the proliferation of ideas of superiority and the justification of

racial or religious hatred and discrimination in any form, and promoting mutual respect and tolerance among all peoples;

111. *Calls upon* States to prevent, through all appropriate means, stereotyping of any ethnic, racial, national, cultural, religious and linguistic group, and encourage objective and balanced portrayals of people, events and history, especially in the media, recognizing the profound influence that such portrayals have on societal perceptions of groups whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance;

***Prosecution of perpetrators of racist acts***

112. *Combating* impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing redress for victims of those violations;
113. *Collecting and analysing* empirical evidence necessary to the prevention and monitoring of racism, racial discrimination, xenophobia and related intolerance;
114. *Urges* States to undertake without delay thoroughgoing, exhaustive and impartial investigations into all acts of racism and racial discrimination, and to prosecute as a matter of course offences of a racist or xenophobic nature, where applicable, or to promote or facilitate relevant legal proceedings with regard to offences of a racist or xenophobic nature, to ensure that high priority is accorded, consistently and energetically, to criminal and civil investigations into and trials for offences of a racist or xenophobic nature and to ensure the right to equal treatment before the courts and other bodies administering justice;
115. *Also urges* States to investigate and take appropriate measures concerning the consequential effects of racism on all spheres of the enforcement of criminal law, in particular policing, court decisions, prison rehabilitation and the granting of release on parole or other legal benefits for prisoners;

***Reparation/compensation/apology***

116. *Urges* States that have not yet condemned, apologized and paid reparations for the grave and massive violations as well as the massive human suffering caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, to do so at the earliest;

***Ratification***

{former para. 13} Reaffirms that universal accession to the International Convention on the Elimination of All Forms of Racial Discrimination and full compliance therewith are of paramount importance for the prevention of racism, racial discrimination, xenophobia and related intolerance, including contemporary

forms of racism and racial discrimination, and for the promotion of equality and non-discrimination throughout the world;

{former para. 14} Expresses its commitment to attaining the universal ratification of the Convention in this hemisphere and urges all countries that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

117. *Invites* States that are not yet Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to consider acceding to and ratifying this instrument, so as to promote respect for the human rights of migrant workers and to create an environment in which discrimination can be eradicated and lead to the full social integration of this group;

118. *Encourages* States that are not yet parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to consider doing so as a matter of priority in order to promote a more open and fair international environment in which the rights of migrants can be fully ensured and respected;

119. *Urges* States to consider ratifying the Convention on the Rights of Persons with Disabilities and acknowledges the importance of the relevant international instruments and the appropriateness of taking those measures required to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;

### ***Implementation***

120. *Emphasizes* the need to guarantee the promotion and protection of the rights of the victims of racism, racial discrimination and xenophobia through the effective implementation of the DDPA as well as the agreed recommendations of its follow up mechanisms and suggest some of the ways which could help strengthen the follow up mechanisms as follows:

### ***Civil Society***

121. *Invites* States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;

122. *Requests* States to broaden the participation of non-governmental organizations and other sectors of civil society in devising, implementing and assessing policies and programmes intended to eradicate racism, racial discrimination, xenophobia and related intolerance;

123. *Urges* States and encourages non-governmental organizations and the private sector to endorse the creation of working environments free of



discrimination and to promote and protect the rights of workers who are victims of racism, racial discrimination, xenophobia and related intolerance;

**(b) Regional /International Level:**

124. *Stresses* the need to have a comprehensive and universal approach of racism and discrimination in all parts of the world;
125. *Invites* the Economic Commission for Latin America and the Caribbean to consider establishing, as part of its mandate, a unit specializing in diversity and non-discrimination to work with States that so request it in implementing progress made in public policies to manage diversity and assess discrimination gaps, which could also serve as a forum to exchange good practices in efforts to combat racism, racial discrimination, xenophobia and related intolerance;
126. *Renews* its call for international efforts to promote an understanding between different civilizations and cultures so as to counter attempts at cultural and civilizational domination and imposition motivated by racism, racial discrimination, xenophobia and related intolerance;
127. *Reiterates* that the Palestinian people continue to be denied the fundamental right of self determination and urges member States to look at the situation of Palestinian people during the Durban Review Conference and implement the provisions of DDPA with a view to bring lasting peace in the Middle East;
128. *Urges* States to take necessary measures to denounce, actively discourage and prohibit the transmission of racist and xenophobic messages through all communications media, including new communications technologies such as the Internet;
129. *Urges* the international community, in upholding the principles of shared responsibility and solidarity, to join together in offering financial support to States in the full enforcement of international legal provisions governing refugees, particularly in obtaining lasting solutions to the general problem of refugeeism;
130. *Recommends* also that the United Nations create a fellowship programme for people of African descent;
131. *Establishing* national, regional and international bodies to monitor racist and xenophobic acts, including the Office of the High Commissioner for Human Rights observatory for racist incidents proposed by the Special Rapporteur on racism. Those bodies should also undertake a detection role in relation to potential conflict based on racism, racial discrimination, xenophobia and related intolerance;
132. *Urges* States to conclude, as swiftly as possible, negotiations on the draft inter-American convention against racism and all forms of discrimination and intolerance;

133. *Resolves* to extend international cooperation to maximize the benefits of globalization with a view to the realization of economic, social and cultural rights and the right to development as a major contribution to the fight against racism, racial discrimination, xenophobia and related intolerance;
134. *Sharing* best practices in the elimination of all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;
135. *Urges* States, regional and international organizations and civil society to continue promoting respect for multiracial, multicultural, and multi-ethnic aspects of societies and to spread human rights awareness, with a view to combating all forms of racism, racial discrimination, xenophobia and related intolerance;
136. *Urges* States to improve governmental and inter-institutional coordination mechanisms between countries of the region in efforts to combat all forms of discrimination and to strengthen cooperation thereon with regional and international organizations;

**(c) International legal framework:**

137. *Invites* the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to adopt a joint general comment on article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination further clarifying and defining, inter alia, States' obligations thereunder and the threshold beyond which an act constitutes a violation thereof, bearing in mind general comment 11 of the Human Rights Committee and general recommendation 15 of the Committee on the Elimination of Racial Discrimination;
138. *Urges* the Human Rights Committee to clarify the scope and content of article 20 of the International Covenant on Civil and Political Rights within the framework of its general comments with the aim, among other things, of defining an appropriate threshold for enacting relevant legislation;
139. Relevant recommendations must also find place in the new international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance as well as mainstreaming the subject of racism throughout the UN system;
140. *Condemns* human rights violations, irrespective of their origin, and is not against "reasonable and fair criticism." However, recent events have once again highlighted the need to demarcate the legal contours between freedom of expression and hate speech. OHCHR's proposed Expert Consultations on the permissible limits to freedom of expression, by taking into account the mandatory prohibition of advocacy of religious hatred, should reach some conclusions and recommendations coming out from the consultations should be worthy of including in the Review Conference documents

141. Taking into account the difficulties encountered by the Committee on the Elimination of Racial Discrimination in its activity, the United Nations should strive to enhance the Committee's capabilities by providing it with more time and resources to enable it to discharge fully its mandate under the 1965 Convention
142. National laws alone cannot deal with the rising tide of defamation and hatred against Muslims, especially if such trends are spreading to the grass root communities. A framework is needed to analyze national laws and understand their provisions. This could then be compiled in a single "universal document" as guidelines for legislation – aimed at countering "defamation of religions".

**(d) Human Rights Council and its Mechanisms:**

NEW PROPOSAL (by delegates as of 17 October 2008) *Underlines* that the Advisory Committee of the Human Rights Council is requested by its resolution 6/10 to prepare a draft "Declaration on Human Rights Education and Training", and *requests* the Advisory Committee to fully take into account in his draft Declaration the objective of promoting understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

143. *Calls on* the Human Rights Council to suitably observe annually the UN General Assembly designated International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25<sup>th</sup> March) and to consider, *inter alia*, building on the efforts of the Slave Route Project of UNESCO;
144. *Stresses* the importance of the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and expresses support for his future work while welcoming efforts undertaken so far in carrying out his mandate;
145. Nevertheless, there remain daunting challenges to surpass in this battle. A series of very authentic and well researched reports by the Special Rapporteur on racism, racial discrimination and xenophobia testify the increase in the incidence of racism, while as the old and new manifestations persist. Hence the need to deal with this menace in all its forms and manifestations with all available tools at our disposal. A number of independent reports including those from the European Monitoring Centre for Racism and Xenophobia substantiate the Special Rapporteur's findings.
146. *Calls upon* the Durban Review Conference to provide guidelines for States taking into account the assessment of various Durban follow up mechanisms as well as the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the issue of defamation or negative stereotyping of religions;

147. *Stresses* the importance of the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to elaborate a basic document to fill the gaps in the existing international treaties about the elimination of all forms of racial discrimination;
148. Some of the other normative and preventive measure that have been proposed over time during discussions on the subject of Review mechanisms include; a) mandatory prohibition by law to eliminate racio-religious profiling or profiling based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;
149. *Urges* the Human Rights Council to address the denial of genocide, as recognized by the United Nations, as an attempt to undermine the recognition of genocide as a crime under international law;

**(e) Office of the High Commissioner for Human Rights:**

150. *Requests* the Office of the High Commissioner to strengthen its early warning procedure to detect signs of ethnic tensions and violence, in collaboration with CERD, the Special Adviser on the prevention of genocide and other parts of the UN;
151. *Invites* the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit of her office so that it better serves the mechanisms established for the follow-up and implementation of the Durban Declaration and Programme of Action and interacts effectively with all partners, including civil society, in the global work against racism;
152. *Invites* the Office of the High Commissioner for Human Rights to help disseminate best practices in terms of national action plans and legislation;
153. *Invites*, in this context, the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requesting the High Commissioner for Human Rights in her capacity as the Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Federation and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

-----