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Report of the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference

Brasilia, 17–19 June 2008

I. Outcome document of the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference

The Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference,

1. *Having met* in Brasilia from 17 to 19 June 2008, on the occasion of the celebration of the Ibero-American Year against All Forms of Discrimination and the sixtieth anniversary of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man,
2. *Expressing its gratitude* to the Government of Brazil for hosting this regional conference,
3. *Reaffirming* the principles of equality and non-discrimination,
4. *Acknowledging* that discrimination is a phenomenon affecting various groups in our society, such as people of African 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,
5. *Welcoming* the contributions of States to the preparatory process for the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference of the Durban Declaration and Programme of Action under decision PC.1/10 of the Preparatory Committee of the Durban Review Conference,
6. *Taking note* of the contributions by non-governmental organizations, particularly the outcome document of the Civil Society Forum held in Brasilia from 13 to 15 June 2008,

7. *Welcoming* the efforts of the Caribbean Community to keep alive and present in the conscience of the international community the spirit of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and, in this respect, welcoming the historic resolution 61/19 of the General Assembly, adopted unanimously on 28 November 2006, in which the Assembly decided to designate 25 March 2007 as the International Day for the Commemoration of the Two-hundredth Anniversary of the Abolition of the Transatlantic Slave Trade,

8. *Taking note* of resolution 61/295 of 13 September 2007, by which the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples,

9. *Welcoming* the entry into force on 3 May 2008 of the United Nations Convention on the Rights of Persons with Disabilities,

10. *Also welcoming* the measures taken by various Governments of the region to implement fully the Durban Declaration and Programme of Action and holding up this trend as an expression of commitment to eradicating the evils of racism, racial discrimination, xenophobia and related intolerance at the national level,

11. *Acknowledging* the efforts of national human rights institutions as independent stakeholders in efforts to combat racism, racial discrimination, xenophobia and related intolerance by promoting and protecting human rights,

12. *Also acknowledging* the all-important role of civil society in steps to counter racism, racial discrimination, xenophobia and related intolerance, in particular, by its contribution to the development of national regulations and strategies, the adoption of measures and actions against such forms of discrimination and the monitoring of implementation thereof,

13. *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 and 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,

14. *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,
15. *Further expressing its appreciation* for the creation of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination,
16. *Acknowledging* that discrimination is a phenomenon that affects various groups in our society, such as people of African descent, indigenous peoples, migrants, persons with disabilities, women, older people, refugees, stateless persons, internally displaced persons, children, young people and groups facing discrimination because 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,
17. *Also acknowledging* that all the countries of the region are multi-ethnic, multicultural and multilingual societies, and that there are encouraging examples of societies in the region that have learned to live together in harmony surrounded by their ethnic and cultural plurality, which the countries are determined to consolidate,
18. *Considering* that the region can contribute positively to dialogue between civilizations and promote understanding among various points of view, for the purpose of eradicating all forms of racism, racial discrimination, xenophobia and related intolerance,
19. *Welcoming* the United Nations initiative on the Alliance of Civilizations, in which 89 States are participating, including many from Latin America and the Caribbean, with a view to promoting tolerance and cross-cultural values, to which the spirit of the Durban Declaration and Programme of Action is extremely closely linked,
20. *Noting* the creation and stressing the efforts of the Working Group to prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, and the Special Rapporteurship on the Rights of People of African Descent, Racism and Racial Discrimination, both within the purview of the Organization of American States,
21. *Acknowledging* the contributions by the Economic Commission for Latin America and the Caribbean to research into and analysis of racism and discrimination in the region,

22. *Highlighting* the work undertaken as part of the meeting of high-level human rights authorities and foreign ministries of the Common Market of the South (Mercosur) and associated States, particularly the Working Group on Discrimination, Racism and Xenophobia and the Sub-Working Group on Sexual Diversity,

23. *Also highlighting* the initiatives developed and actions taken as part of the Bolivarian Alternative for the Peoples of Our America, the Association of Caribbean States and other relevant regional mechanisms, in promoting and implementing cooperation programmes, particularly with regard to health and education in favour of the poorest and most socially excluded sectors, including women, children, young people, older people, people of African descent and indigenous peoples, among others,

24. *Further highlighting* the creation, on 23 May 2008, of the Union of South American Nations in Brasilia, which includes among its objectives that of enhancing cooperation in terms of social and educational policies to combat social exclusion and discrimination,

25. *Recalling* the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief made by the General Assembly in its resolution 36/55 of 25 November 1981,

26. *Also recalling* that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, a request was made for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

27. *Further recalling* resolution 6/30 of the Human Rights Council on integrating the human rights of women throughout the United Nations system, the first resolution on that issue adopted by the Council, which urges States to cooperate with the United Nations system and provide support with a view to integrating the human rights of women,

28. *Mindful* of the commitments made by the States of the region with regard to the principal international human rights treaties and other relevant international instruments that contain provisions on efforts to combat racism, racial discrimination, xenophobia and related intolerance, and acknowledging the need for States that have not ratified or acceded to those instruments to consider doing so,

29. *Stressing* resolution 52/111 of the General Assembly of 12 December 1997, in which the Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, which was held in Durban, South Africa, from 31 August to 8 September 2001,

30. *Recalling* the progress made at the Regional Conference of the Americas in preparation for the Durban Conference, held in Santiago in December 2000,

31. *Also recalling* resolution 58/160 of the General Assembly, of 22 December 2003, by which the Assembly decided to close the Third Decade to Combat Racism and Racial Discrimination, placing emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism and racial discrimination,

32. *Taking note* of the reports and conclusions of the Regional Conference of the Americas on Advances and Challenges in the Plan of Action against Racism, Racial Discrimination, Xenophobia and Correlated Intolerances, held in Brasilia in 2006,

33. *Recalling* resolution 3/2 of the Human Rights Council, of 8 December 2006, in paragraph 6 of which the Council decided that the review would concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism, in addition to assuming the role of the Preparatory Committee for the Durban Review Conference, and that the said Preparatory Committee would decide on, among other things, the objectives of the Review Conference and regional preparatory initiatives,

34. *Recalling also* resolution 61/149 of the General Assembly, of 19 December 2006, in which the Assembly decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action,

35. *Stressing* decision PC.1/13 of the Preparatory Committee, of 31 August 2007, in which the Committee established the objectives of the Durban Review Conference,

36. *Stressing also* that, in decision PC.1/11 of 31 August 2007, the Preparatory Committee called upon States and regional organizations to hold international, regional and national meetings and/or to undertake other initiatives in preparation for the Durban Review Conference,

37. *Acknowledging* that the prevention of racism, xenophobia and discrimination in all their manifestations constitutes a necessary and ineluctable requisite for building good governance, sustainable development, social justice, democracy and peace in our region,

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

39. *Noting*, 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,

40. *Considering* 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,

41. *Indicating* 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,

42. *Understanding* that the 2000 Santiago Declaration and the 2001 Declaration of the Durban Programme of Action are ineluctable commitments by States, competent regional and international organizations and civil society,

43. *Acknowledging* that the Durban Declaration and Programme of Action establish the minimum level of protection that should be accorded by the international community to potential and actual victims of racism, racial discrimination, xenophobia and related intolerance, and that the review process can expand and enhance the spectrum of protection, but never reduce it,

44. *Reaffirming*, with a renewed spirit of resolve and political accommodation, the willingness to tackle contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to make progress, with that in mind, in implementing the Durban Declaration and Programme of Action, *presents*, as set out below, an assessment of the progress and challenges in the implementation of the Durban Declaration and Programme of Action (part I), an assessment of the effectiveness of the Durban follow-up mechanisms and other relevant mechanisms in this field (part II), an identification of good practices (part III) and an overview of future prospects (part IV).

I. Progress and challenges in the implementation of the Durban Declaration and Programme of Action

The Conference

General issues

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

46. *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,

Measures to prevent, educate and protect intended to eradicate racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels

47. *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;

48. *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;

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

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

51. *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;

52. *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;

53. *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;

54. *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;

55. *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;

56. *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;

57. *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;

58. *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;

59. *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;

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

61. *Acknowledges* the need to extend efforts for the implementation of measures that, consonant with international human rights standards and the respective legal systems of each State, ensure the right to land that has traditionally been owned, occupied or in some way used or acquired by indigenous peoples and the lands of people of African descent, and also promote the productive use thereof, the comprehensive development of the community, respect for its culture and the particular characteristics of its decision-making processes;

62. *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;

63. *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;

64. *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;

65. *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;

66. *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;

67. *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;

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

69. *Also acknowledges* the existence of manifestations of xenophobia that require special attention from the authorities;

70. *Further acknowledges* the obligation upon the authorities to take action to prevent and eradicate practices and manifestations of xenophobia;

71. *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;

Establishment of practical resources and measures for reparation, redress, compensation and other purposes at the national, regional and international levels

72. *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;

73. *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;

II. Effectiveness of the Durban follow-up mechanisms and other relevant United Nations mechanisms on racism, racial discrimination, xenophobia and related intolerance

74. *Considers* that an effective system to protect against 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;

75. *Welcomes* the efforts of the Committee on the Elimination of Racial Discrimination in fulfilment 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;

76. *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;

77. *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;

78. *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;

79. *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;

80. *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;

81. *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;

82. *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;

83. *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;

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

85. *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;

86. *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;

87. *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;

88. *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;

89. *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 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;

90. *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;

91. *Endorses* the idea that the process to review and, where relevant, streamline the mandates of the special procedures mechanisms in operation in the Human Rights Council should be extended to all existing mandates, including those mentioned in the present part II and should seek to enhance the consistency and effectiveness of the special procedures mechanisms, without prejudice to the full range of protected rights;

92. *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;

93. *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;

94. *Calls for* the agreements reached to commemorate the two-hundredth anniversary of the abolition of the transatlantic slave trade contained in resolutions 61/19 and 62/122 of the General Assembly to be fully integrated into the mandates of all the Durban monitoring mechanisms and the Durban Review Conference and its preparatory process;

95. *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;

III. Good practices in efforts to combat racism, racial discrimination, xenophobia and related intolerance

The Conference

96. *Takes note with interest* of the numerous examples of good practices set in the region 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.

IV. Way forward

The Conference

97. *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;

98. *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;

99. *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;

100. *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;

101. *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;

102. *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;

103. *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;

104. *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;

105. *Encourages* States to devise and implement national and local action plans to foster diversity, equal opportunities, social equity and justice;

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

107. *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;

108. *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;

109. *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;

110. *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;

111. *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;

112. *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;

113. *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;

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;

116. *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;

117. *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;

118. *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;

119. *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;

120. *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;

121. *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;

122. *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;

123. *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;

124. *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;

125. *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;

126. *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;

127. *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;

128. *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;

129. *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;

130. *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;

131. *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)*;

132. *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;

133. *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;

134. *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;

135. *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;

136. *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;

137. *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;

138. *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;

139. *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;

140. *Calls upon* States to make progress in formulating programmes and measures to eradicate multiple or aggravated discrimination, particularly gender-based discrimination;

141. *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;

142. *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;

143. *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;

144. *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;

145. *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;

146. *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;

147. *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;

148. *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;

149. *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;

150. *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;

151. *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;

152. *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;

153. *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;

154. *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;

155. *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;

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

157. *Urges* States to conclude, as swiftly as possible, negotiations on the draft inter-American convention against racism and all forms of discrimination and intolerance;

158. *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;

159. *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.