



General Assembly

Distr.
GENERAL

A/CONF.211/PC.4/5
24 February 2009

Original: ENGLISH

DURBAN REVIEW CONFERENCE
Preparatory Committee
Third substantive session
Geneva, 15-17 April 2009
Item 5 of the provisional agenda

**ORGANIZATION OF THE WORK OF THE DURBAN
REVIEW CONFERENCE AND OTHER MATTERS**

**IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME
OF ACTION AND PROPOSAL FOR ITS ENHANCEMENT***

Report of the United Nations High Commissioner for Human Rights**

* Late submission.

** The annex to the present document is circulated as received.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1 - 12	4
II. IMPLEMENTATION BY THE OFFICE OF THE HIGH COMMISSIONER OF RELEVANT PROVISIONS OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION	13 - 45	6
A. Establishment of the Anti-Discrimination Unit	13 - 16	6
B. Independent eminent experts	17 - 20	7
C. Servicing other Durban follow-up mechanisms	21 - 23	8
D. Creation of a database on racism	24 - 26	8
E. Supporting the work of the Committee on the Elimination of Racial Discrimination and the other human rights treaty bodies	27 - 30	9
F. Protecting victims of racism, racial discrimination, xenophobia and related intolerance	31 - 36	10
G. Protection and promotion of the rights of migrants	37 - 41	11
H. Designation of goodwill ambassadors	42	12
I. Collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant entities	43	12
J. Reporting role of the Office of the High Commissioner	44 - 45	13
III. IMPLEMENTATION BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OF RELEVANT DECISIONS AND RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE HUMAN RIGHTS COUNCIL	46 - 58	13
A. Examining the possible development of a racial equality index	46 - 47	13
B. Updating model anti-discrimination legislation	48 - 49	13
C. High-level seminar on racism and the Internet	50 - 51	14

CONTENTS (continued)

	<i>Paragraphs</i>	<i>Page</i>
D. Report on implementation of the Programme of Action for the Third Decade	52	14
E. Complementary standards	53 - 58	14
IV. PROPOSALS AND FURTHER ACTIONS TO ENHANCE THE IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION	59	16
A. Creation of an observatory on racism with wider scope than the database provided for under the Durban Declaration and Programme of Action	60 - 64	16
B. Enhancing effectiveness and synergies of Durban follow-up mechanisms	65 - 66	17
C. Anti-racism technical cooperation programmes	67 - 69	18
D. Development of guidelines for anti-racism national action plans and legislation	70 - 74	18
E. Development of equal opportunity and non-discrimination indicators	75	19
F. Research and advocacy role of the Office of the High Commissioner	76 - 77	19
G. Strengthening the Anti-Discrimination Unit	78	20
H. Enhanced action at the national level	79 - 80	20
V. CONCLUSIONS	81 - 82	21

Annex

Combating racism, racial discrimination, xenophobia and related intolerance: an overview of the activities of the Office of the High Commissioner	22
---	----

I. INTRODUCTION

1. The Preparatory Committee of the Durban Review Conference, in its decision PC.3/4, states that, “bearing in mind the objectives of the Durban Review Conference as well as the important role that the United Nations High Commissioner for Human Rights has been playing in the follow-up to the Durban Declaration and Programme of Action”, it had decided to invite the High Commissioner to make a contribution to the Durban Review Conference through a report on the implementation of the Durban Declaration and Programme of Action and proposals to enhance its implementation and on the implementation of relevant decisions and resolutions of the General Assembly and the Human Rights Council. I am honoured to submit this report in accordance with this decision.

2. The implementation of the Durban Declaration and Programme of Action has been affected by a number of important challenges. The slow progress in reaching Millennium Development Goal 1 on eradicating extreme poverty and hunger despite actions at the national and international levels, the international food crisis and the devastating consequences of the current financial crisis make clear that poverty represents a major challenge. The convergence of the global food crisis, the economic and financial crisis and the effects of climate change has had a disproportionate impact on the most vulnerable groups and hampered progress in the struggle against racism, racial discrimination, xenophobia and related intolerance. The Durban Declaration and Programme of Action urged States to adopt or strengthen national programmes for eradicating poverty and reducing social exclusion. It also reaffirmed the principles set out in the Millennium Declaration and emphasized the fact that States have a collective responsibility to uphold the principles of human dignity, equality and equity. In the Durban Declaration and Programme of Action, the international community committed itself to working for the beneficial integration of developing countries into the global economy, and determined to eradicate poverty, inequality and deprivation.

3. With increasing globalization, societies have become more diverse and multicultural. A growing number of States face the challenge of ensuring mutual respect for people of diverse backgrounds within their societies as well as social harmony, equal opportunities and non-discrimination. Racial, ethnic, religious and linguistic minorities have been frequent targets of abusive, violent and repetitive criticism against their groups, often as a result of entrenched stereotypical attitudes, and this has deepened discrimination against them. By referring to the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action recalls State obligations to be vigilant so that organizations do not disseminate ideas based on racial superiority or hatred, engage in acts of violence or incitement to such acts.

4. In the past few decades and increasingly in recent years, migrants have become vulnerable to racism, racial discrimination, xenophobia and related intolerance. They are often perceived as competitors for scarce resources and as threats to the livelihood of others. This has been aggravated by the global food crisis, the financial crisis and climate change. These perceptions breed racist and xenophobic attitudes, which can lead to attacks against migrants, and strong political will and effective strategies are required to counter them. As affirmed in the Durban Declaration and Programme of Action, States should promote and protect fully and effectively

the human rights and fundamental freedoms of all migrants regardless of immigration status, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments. States should ensure that migration policies are free of racism, racial discrimination, xenophobia and related intolerance.

5. The political exploitation of difference - ethnic, racial and religious - often fuels armed conflict and may result in serious violations of international human rights and international humanitarian law. We must break the cycle of violence and mobilization of fear. A greater effort must be made to find peaceful solutions to conflicts that fully incorporate human rights. Peace is fragile when human rights concerns remain sidelined.

6. Just days after the conclusion of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the terrorist attacks of 11 September 2001, followed by other terrorist attacks around the world dramatically changed the climate surrounding the implementation of the Durban Declaration and Programme of Action. Increased security concerns led to the introduction in many countries of measures and practices which were excessive and undermined the protection and promotion of human rights. They had a negative impact on the existing victims of racism, racial discrimination, xenophobia and related intolerance, and also increased the incidence of these violations. While it is clearly legitimate for States to counter terrorism effectively, they must ensure that the measures taken comply with their obligations under international human rights law, in particular the obligations to ensure the right to life, freedom from discrimination, the prohibition of torture, cruel, inhuman or degrading treatment, arbitrary detention and the right to due process. Full respect for these rights is of vital importance in our increasingly interdependent, multi-ethnic and multicultural societies in order to guard against discrimination and stigmatization of different types of vulnerable groups and communities.

7. With these challenges in mind, I urge renewed commitment to ending racism, racial discrimination, xenophobia and related intolerance. The key message of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is as relevant today as when it was adopted. Racism affects us all and no country is free from its scourge. We need to ensure that "united against racism" does not remain an empty slogan. Human rights education, and anti-racism education in particular, is an essential tool to promote understanding and respect for diversity. In this regard, the Human Rights Council has mandated the Advisory Committee to prepare possible elements for a draft declaration on human rights education and training, and I hope that a strong anti-racism component will be included.

8. I have mobilized all expertise within my Office in support of the review process. We have tried to facilitate the discussions of States by promoting a principled approach based on international law, depoliticizing the issues and bringing the focus more on the victims of discrimination.

9. We must reaffirm the Durban Declaration and Programme of Action without reservation and redouble efforts made to implement it. We must preserve and build upon the commitments made therein, as it represents the most comprehensive and universally accepted platform to combat racism to date.

10. I recognize that there are some issues on which there is a legitimate divergence of views. In order to find common ground, we need to work together in good faith, with open minds and constructive thinking. To this end, while I understand the concerns behind the concept of defamation of religions, I believe that, from a human rights perspective and in the light of the Durban Review Conference, it should be addressed as an issue of incitement to religious hatred within the existing framework of international human rights law, with reference to articles 19 and 20 of the International Covenant on Civil and Political Rights. I will expand on this issue below.

11. The report contains three sections:

(a) The first describes the implementation by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of the relevant provisions of the Durban Declaration and Programme of Action. The objective will be to look at all provisions that required action by OHCHR and to provide a detailed review of actions taken in compliance with those provisions;

(b) The second section describes implementation by OHCHR of relevant decisions and resolutions of the General Assembly and the Human Rights Council;

(c) The third section outlines my proposals to promote or enhance the implementation of both the provisions of the Durban Declaration and Programme of Action and the relevant decisions and resolutions of the General Assembly and the Human Rights Council, against the background of the challenges, gaps and lessons outlined in the first and second section of the present report.

12. As Secretary-General of the Durban Review Conference, I am confident that the review process will provide renewed impetus to the implementation of the Durban Declaration and Programme of Action. The Durban Declaration and Programme of Action elaborates a comprehensive approach to the achievement of human dignity and the enjoyment by all of all human rights. No single issue in such a comprehensive platform of vital importance to human dignity should dominate discussions to the exclusion and detriment of others. I appeal to all to uphold the consensually agreed objectives of the Durban Review Conference, and to bear in mind their importance to the millions of victims around the world. I urge States to transcend their differences and to join efforts to confront racism and xenophobia.

II. IMPLEMENTATION BY THE OFFICE OF THE HIGH COMMISSIONER OF RELEVANT PROVISIONS OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION¹

A. Establishment of the Anti-Discrimination Unit

13. Paragraph 191 (c) of the Programme of Action welcomed the intention to establish an anti-discrimination unit within OHCHR to combat racism, racial discrimination, xenophobia and

¹ See also the overview annexed to the present report.

related intolerance and to promote equality and non-discrimination. The Anti-Discrimination Unit was established by OHCHR in 2002, within the Research and Right to Development Division. Its initial mandate included substantive and secretariat support to the three follow-up mechanisms of the Durban Declaration and Programme of Action: 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; and the Independent Eminent Experts. The Unit has also supported the Ad Hoc Committee on the Elaboration of Complementary Standards, as well as the Preparatory Committee of the Durban Review Conference and its working groups.

14. Paragraph 191 (c) of the Programme of Action invited the High Commissioner to consider in the inclusion of the Unit's mandate, inter alia, the compilation of information on racial discrimination and its development, and on legal and administrative support and advice to victims of racial discrimination and the collection of background materials provided by States, international, regional and non-governmental organizations and national human rights institutions under the follow-up mechanisms of the Conference.

15. OHCHR has undertaken some activities in this context, particularly in supporting post-Durban mechanisms. Human and financial resources available to the Anti-Discrimination Unit have been very limited and this has negatively affected implementation of this task. In addition, the Commission on Human Rights and the Human Rights Council resolutions on racism and related issues placed additional demands on the Unit.

16. I make concrete recommendations in chapter III of the present report relating to strengthening the Unit to fulfil its task, which necessarily imply expanded resourcing for the Unit.

B. Independent eminent experts

17. Paragraph 191 (b) of the Programme of Action requested my Office to cooperate with five independent eminent experts, one from each region, appointed by the Secretary-General from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Durban Declaration and Programme of Action.

18. OHCHR assisted in the nomination of the five experts by the Secretary-General in 2002 and has cooperated closely with the experts substantively and logistically in carrying out their work. The independent eminent experts met in Geneva for two sessions, from 16 to 18 September 2003 and from 21 to 23 February 2005. In their first meeting, they discussed the issue of a racial equality index. After their sessions, the experts submitted their reports to the Commission (E/CN.4/2004/112 and E/CN.4/2005/125).

19. However, the general terms of the expert mechanism's mandate has been an obstacle to its effective functioning. The broadness of the mandate led to diverging expectations on the one hand, while on the other it overlapped with the mandates of the other follow-up mechanisms.

20. My Office has made significant efforts to arrange for the independent eminent experts to meet more regularly as a full group, including through a recent attempt to facilitate their meeting

at a location outside Geneva. However, the optimal functioning of this group has been hampered by the overlapping nature of its mandate with that of the Intergovernmental Working Group and heavy individual engagements of the experts themselves, as well as the resignation of one of the experts.

C. Servicing other Durban follow-up mechanisms

21. My Office has provided support to the Intergovernmental Working Group at six of its sessions. The Working Group has issued recommendations on different aspects of the implementation of the Durban Declaration and Programme of Action, such as racism and education, poverty, health, the Internet, globalization and national action plans.

22. My Office has supported the Working Group of Experts on People of African Descent, which has held seven sessions since the 2001 World Conference against Racism. The Working Group has made recommendations on the different ways in which people of African descent can better enjoy their fundamental rights in different parts of the world.

23. Both working groups have developed recommendations designed to improve the enjoyment of rights by victims of racism, racial discrimination, xenophobia and related intolerance. The review process attests to the insufficient implementation of the recommendations while at the same time providing an opportunity to consolidate the Durban follow-up mechanisms, take stock of their recommendations, and mobilize the commitment, resources and support for their effective implementation.

D. Creation of a database on racism

24. Paragraph 191 (d) of the Durban Programme of Action recommends that OHCHR, in cooperation with States, international, regional and non-governmental organizations and national human rights institutions, 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; educational and preventive programmes implemented in various countries and regions; best practices to address racism, racial discrimination, xenophobia and related intolerance; opportunities for technical cooperation; and academic studies and specialized documents. It also requested my Office to ensure that such a database is as accessible as possible to those in authority and the public at large, through its website and by other appropriate means.

25. The term “good practices database” was coined soon after the 2001 World Conference against Racism, aimed at sharing knowledge of successful initiatives in the fight against racism and racial discrimination while allowing for a context-specific approach. Efforts to implement this recommendation of the Durban Declaration and Programme of Action have included the convening of expert meetings on the development of a good practices database in the fight against racism, racial discrimination, xenophobia and related intolerance (see annex).

26. The outcome of the expert meetings is the basis for my Office’s plans to engage consultants to produce a good practices database. Depending on the outcome of the

Durban Review Conference, I hope to expand the scope of the database to cover all relevant information on racism as well as to work in close collaboration with all relevant stakeholders (see chapter IV below).

E. Supporting the work of the Committee on the Elimination of Racial Discrimination and the other human rights treaty bodies

27. Paragraph 194 of the Programme of Action calls on OHCHR to continue its efforts further to increase awareness of the work of the Committee on the Elimination of Racial Discrimination and the other United Nations human rights treaty bodies.

28. Since the adoption of the Durban Declaration and Programme of Action, OHCHR has accelerated its efforts to raise awareness of the work of the Committee on the Elimination of Racial Discrimination and that of other treaty bodies, in particular through publications and information, on dedicated web pages. In addition, OHCHR has produced user-friendly and illustrative training tools, in the form of booklets and a DVD, on the work of the treaty bodies and has distributed them to Governments, field presences, non-governmental organizations and United Nations entities. More training and public information material is being prepared and will be updated regularly. In particular, the film on the treaty body system is currently being revised and will be produced in all official languages of the United Nations.

29. Proper support for the human rights treaty bodies requires adequate staffing for the Human Rights Treaties Branch and additional financial resources for the treaty body system. In addition, although the current process of harmonization of working methods of treaty bodies through the inter-committee meeting is moving slowly, things are going in the right direction in enhancing and strengthening the entire treaty body system. Particular attention should also be paid, however, to enhancing the role of the Committee on the Elimination of Racial Discrimination as the core United Nations treaty body to promote and protect racial equality and combat racial discrimination. Given adequate means, resources and support, the Committee can be even more effective and instrumental in ensuring action on the implementation of the Durban Declaration and Programme of Action.

30. To enhance implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee has proposed the elaboration of an optional protocol to the Convention which would include three elements: (a) an inquiry procedure; (b) follow-up visits; and (c) the obligation for States to establish, designate or maintain national mechanisms working towards the prevention of racial discrimination and the promotion of equality that will operate in cooperation with the Committee. The third element would underscore the fact that ensuring implementation of human rights is primarily a national obligation.

F. Protecting victims of racism, racial discrimination, xenophobia and related intolerance

31. Paragraph 196 of the Programme of Action requested my Office to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance. The focus on victims is the cornerstone of OHCHR work. The Office pays particular attention to the protection of the groups of victims identified in the Durban Declaration and

Programme of Action. We have strengthened, for example, the Indigenous Peoples and Minorities Unit, which has carried out programmes on minorities and indigenous peoples over recent years. Pursuant to paragraph 203 of the Durban Programme of Action, OHCHR reviewed the activities carried out in relation to the International Decade of the World's Indigenous People from 1995 to 2004 (E/2004/82). In its review, the Office noted certain positive developments, but stressed that further efforts were needed to ensure that all indigenous peoples enjoy full human rights. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 was a major achievement, and OHCHR is now promoting wide dissemination and implementation of this new instrument. The launch in 2008 of the Expert Mechanism on the Rights of Indigenous Peoples and the Forum on Minority Issues was an important development, with both receiving technical and substantive assistance from OHCHR. These are new mechanisms with significant potential.

32. My Office is conscious of the multiple challenges faced by victims of multiple discrimination. OHCHR has established a Women's Rights and Gender Unit to address, among others, the multiple forms of discrimination facing women. The Committee on the Elimination of Discrimination against Women routinely calls on States to follow up the elements in the Durban Declaration and Programme of Action that highlight the fact that discrimination against women on the basis of sex is often compounded by discrimination on the basis of race. Also in the context of multiple discrimination, the progressive development of international human rights law as seen, for example, through adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the adoption and entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, has provided the means for victims to seek justice for violations of their rights at the international level. The Optional Protocol to the Convention against Torture has provided new tools to prevent torture. Lack of universal ratification of human rights treaties and their optional procedures, however, remains a key weakness. Only States can remedy this and I will continue to call on them to do so.

33. Recognizing that discrimination against minorities has frequently led to their exclusion from society in many countries around the world, my Office has produced guidelines in this context for use by staff in the field and others. The guidelines outline the main areas of concern regarding the protection of the rights of minorities and provide strategies for the promotion and protection of the identity of minorities. Furthermore, in order to advance the Durban provision that calls for criminal justice and law enforcement agencies to be representative of, and responsive and accountable to, the community as a whole, OHCHR has developed Guidance and Good Practice on Diversity in Policing, in consultation with experts from all regions. OHCHR has also supported the work of the independent expert on minority issues since the mandate was established by the Commission on Human Rights in 2005.

34. My Office has also prepared a draft plan of action on victim assistance in furtherance of its work in support of victims, including victims of racism, racial discrimination, xenophobia and related intolerance as outlined in the Durban Declaration and Programme of Action. My Office has also focused on victims through the work undertaken by the Rule of Law Unit, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Fund for Victims of Torture.

35. Paragraph 205 of the Programme of Action requests the Secretary-General and OHCHR to ensure that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people is provided with all the necessary human, technical and financial resources to fulfil his responsibilities. My Office has given steady and reliable support to the Special Rapporteur, as well as providing consultants and individual experts for essential assistance to his mandate.

36. The overall level of resources provided to support the work of special procedures mandate-holders, however, has not been increased for a considerable number of years despite the increasing demands placed on them by the Human Rights Council. The same applies to the treaty bodies, in spite of the increase in ratifications and new instruments mentioned above.

G. Protection and promotion of the rights of migrants

37. Paragraph 184 of the Programme of Action encourages relevant international organizations dealing with migration issues to exchange information and coordinate their activities on matters relating to racism, racial discrimination, xenophobia and related intolerance against migrants, including migrant workers, with the support of OHCHR. In addition, paragraph 196 of the Programme of Action requests OHCHR to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, in particular migrants, including migrant workers, to promote international cooperation in combating xenophobia.

38. My Office has convened inter-agency meetings to exchange information and arranged for experts from the Committee on the Elimination of Racial Discrimination, the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank, the International Monetary Fund, the United Nations Conference on Trade and Development, the International Labour Organization (ILO), the United Nations High Commissioner for Refugees (UNHCR) and the European Commission against Racism and Intolerance to participate in meetings of the Working Group of Experts on People of African Descent and the Intergovernmental Working Group. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Chairperson of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty also contributed to the deliberations of these follow-up mechanisms.

39. We have also established an in-house task force on migration. In the development of its programmes, OHCHR has engaged substantively with other agencies, such as UNESCO, UNHCR, the United Nations Children's Fund and ILO. OHCHR is also a member of the Global Migration Group, a high-level inter-agency group that aims to improve the overall effectiveness of United Nations policy and operational response to international migration. OHCHR also participates in the recently established Global Forum on Migration and Development. We have listed topics that will continue to be addressed in cross-agency cooperation, for example, education, health, gender and minorities, and new topics to be included, such as refugees and migration.

40. The focus at the 2001 World Conference against Racism on the plight of migrants reflected the magnitude of the challenges posed by migration and their impact on the enjoyment of human rights in general and the principle of non-discrimination in particular. The issue of migration has taken on a greater prominence in the context of the Durban Review Conference, and this was highlighted during the 2008 regional preparatory meetings. In this regard, the limited ratification by States of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families remains a key obstacle. The Convention is an essential tool to confront major human rights violations, and the Durban Review Conference is an important opportunity to promote its wider acceptance.

41. I also draw the attention of States to the importance of cooperating closely with the Special Rapporteur on the human rights of migrants, whose mandate remains the central mechanism for the protection of victims in numerous countries where the Convention has not been ratified.

H. Designation of goodwill ambassadors

42. Paragraph 193 of the Programme of Action encourages OHCHR to continue and expand the appointment and designation of goodwill ambassadors in all countries of the world in order, inter alia, to promote respect for human rights and a culture of tolerance and to increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance. Competing demands and limited resources have made it difficult for the Anti-Discrimination Unit to implement this recommendation. My proposal to strengthen the Anti-Discrimination Unit, including through the establishment of an observatory (see paragraphs 60-64) below, should allow for implementation of this provision.

I. Collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant entities

43. The Durban Programme of Action, in paragraph 195, invited OHCHR, in consultation with UNESCO and non-governmental organizations active in the field of the promotion and protection of human rights to undertake regular consultations with them and to encourage research activities aimed at collecting, maintaining and adapting the technical, scientific, educational and information materials produced by all cultures around the world to fight racism. OHCHR has made several such efforts, for example, in cooperation with UNESCO on the International Coalition of Cities against Racism project, which creates networks of cities that share experiences in order to improve their policies against racism, discrimination and xenophobia. OHCHR participated in the preparation of the July 2005 meeting in Bangkok, of the Coalition of Cities against Racism and Discrimination in Asia and the Pacific. In collaboration with ILO and UNESCO, OHCHR participated in a variety of events, including those marking the International Day for the Elimination of Racial Discrimination, on 21 March 2006, and the organization of panel discussions on the theme “fighting everyday racism”. On the International Day for the Abolition of Slavery on 2 December 2008, in a joint effort with UNESCO and other organizations, a documentary produced by UNESCO, *Slave routes: a global vision*, was screened to increase awareness of issues contained in the Durban Declaration and Programme of Action. Such collaboration is expected to continue on specific subjects relevant to the Durban Declaration and Programme of Action.

J. Reporting role of the Office of the High Commissioner

44. Paragraph 191 (b) of the Programme of Action called for an annual progress report to be presented by the High Commissioner to the Commission on Human Rights and to the General Assembly, taking into account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission and international, regional and non-governmental organizations and national human rights institutions.

45. These reporting requirements have been a heavy burden on OHCHR, and have been of limited value in the struggle against racism and intolerance. In this regard, I recommend that all reporting obligations of the High Commissioner be replaced by one annual report on racism, racial discrimination, xenophobia and related intolerance, which would give enhanced focus and greater visibility to the issue of racism.

III. IMPLEMENTATION BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OF RELEVANT DECISIONS AND RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE HUMAN RIGHTS COUNCIL

A. Examining the possible development of a racial equality index

46. The General Assembly, in its resolution 58/160, requested OHCHR to examine the possibility of the development of a racial equality index, as proposed by the Independent Eminent Experts, and to report thereon to the Commission on Human Rights. The request was repeated by the Commission in its resolution 2004/88.

47. In the implementation of the above-mentioned resolutions, OHCHR conducted consultations with stakeholders and convened an expert workshop, following which two reports were submitted: one that concluded that a racial equality index could be an important tool for substantive research in terms of identifying causes and manifestations of racial discrimination in society (E/CN.4/2005/17); and another containing a draft basic document on the possibility of developing a racial equality index (E/CN.4/2006/14). Further consultations on the issue will be conducted pending guidance from the Human Rights Council.

B. Updating model anti-discrimination legislation

48. In its resolution 1/5, the Human Rights Council requested OHCHR to update the model anti-discrimination law so as to assist States in their efforts to adopt adequate anti-discrimination legislation complying with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and reflecting concerns raised in the Durban Declaration and Programme of Action and by the Intergovernmental Working Group.

49. The guidelines have been prepared following extensive research and consultations. OHCHR will soon circulate the first draft of guidelines on national legislation for comments by States.

C. High-level seminar on racism and the Internet

50. The Commission on Human Rights, in its resolution 2005/64, requested OHCHR, in consultation with States, to convene a high-level seminar for five days during the fourth session of the Intergovernmental Working Group. The Commission further requested that (a) the first two days of the seminar focus on racism and the Internet, inviting all stakeholders, inter alia, States, the World Summit on the Information Society, international and regional organizations, non-governmental organizations, the private sector and the media; and (b) during the remaining three days of the seminar, members of CERD, produce a list of areas where gaps exist for which complementary standards are necessary and outline options for the format of complementary standards to existing instruments, notably the ICERD, that will strengthen and update international instruments in all their aspects.

51. Accordingly, during the first week of the fourth session of the IGWG, which was held in Geneva from 16 to 27 January 2006, OHCHR hosted a high-level seminar on racism and the Internet and on complementary international standards for combating racism.

D. Report on implementation of the Programme of Action for the Third Decade

52. In compliance with General Assembly resolution 57/195, OHCHR submitted an analytical report of the High Commissioner on the extent of implementation of the Programme of Action for the Third Decade to the Commission on Human Rights (E/CN.4/2003/19). In the report, the High Commissioner summarized all activities carried out during the Third Decade. The addendum to the report (E/CN.4/2003/19/Add.1) contained a summary of the last activity held for the Third Decade in February 2003, and the workshop convened jointly by OHCHR and UNESCO to develop a publication to combat racism and foster tolerance. The joint publication was issued in 2006.

E. Complementary standards

53. In its resolution 1/5, the Human Rights Council requested my Office to select, in close consultations with the regional groups, five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance, including but not limited to, the areas identified in the conclusions of the Chairperson of the high-level seminar held during the fourth session of the Intergovernmental Working Group; the group of experts, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other relevant mandate-holders were to produce a base document containing concrete recommendations on the means or avenues to bridge these gaps, including but not limited to the drafting of a new optional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments, such as conventions or declarations.

54. My Office selected the five experts, who prepared a report on their study on the content and scope of substantive gaps in existing international instruments to combat racism, racial

discrimination, xenophobia and related intolerance (A/HRC/4/WG.3/6). The Committee on the Elimination of Racial Discrimination also produced a study on possible measures to strengthen implementation through optional recommendations or the update of its monitoring procedures (A/HRC/4/WG.3/7).

55. After considering the two above-mentioned reports, the Council established the Ad Hoc Committee on the Elaboration of Complementary Standards. I am encouraged that the Ad Hoc Committee reached consensus on a road map to implement article 199 of the Durban Declaration and Programme of Action. I rely on the commitment of States to ensure that the road map marks a positive turning point on this important issue.

56. Besides technical support for the Committee, OHCHR has contributed to clarifying the debate on some possible areas of complementary standards by organizing an expert seminar on articles 19 and 20 of the International Covenant on Civil and Political Rights. The seminar helped to enrich our knowledge of the issues and revealed their complexity. In this context, I understand the underlying concerns behind the concept of defamation of religions and believe that the most appropriate approach to address them, from a human rights perspective and in the light of the Durban Review Conference, is through the legal concept of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It is up to lawmakers everywhere to discharge their responsibilities properly guided by articles 19 and 20 of the International Covenant and taking into account the general comments, recommendations and views of the Human Rights Committee. This framework offers strong protection for freedom of expression, while providing for appropriate restrictions, as necessary to protect the rights of others, particularly with respect to incitement to discrimination, hostility or violence. This balance between articles 19 and 20 should always be respected. I also believe that the expression of critical views on religious matters does not per se constitute incitement to religious hatred and each case should be assessed on its own circumstances and in accordance with international human rights law. Moreover, freedom of expression is essential to the struggle against racism, racial discrimination, xenophobia and related intolerance.

57. Many developments since 2001, including regional conflicts, terrorism and some counter-terrorism measures, as well as religious fundamentalism, compounded by migration, the expanding use of the Internet and increasingly multicultural societies constitute growing challenges to this delicate balance. These developments have created added pressure for the implementation of article 20 of the Covenant. I believe these challenges require us to examine the way in which domestic laws are conceived and implemented with a view to ensuring compliance with both articles 19 and 20 of the Covenant. This would provide us with a firm basis for an objective assessment to identify implementation gaps and determine the nature of possible effective remedies. This should not preclude a consideration of complementary standards in the implementation of paragraph 199 of the Durban Declaration and Programme of Action.

58. As a follow-up to the OHCHR expert seminar on articles 19 and 20 of the International Covenant on Civil and Political Rights, I propose that a series of expert workshops be held. The objective is to attain a better understanding of legislative patterns and judicial practices in the different regions of the world, reflecting the various legal systems and traditions with regard to the concept of incitement to racial or religious hatred as contained in article 20 of the Covenant, and to arrive at a comprehensive view of the state of implementation of the prohibition of

incitement. Such an exercise, in my view, would pave the way for enhanced implementation of existing international law on the prohibition of incitement, and provide a technically sound basis for the consideration of additional measures within the context of paragraph 199 of the Durban Declaration and Programme of Action.

IV. PROPOSALS AND FURTHER ACTIONS TO ENHANCE THE IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

59. The proposals described below are grounded in the experience of OHCHR since 2001 and are conceived in a holistic manner. They build upon earlier suggestions made by human rights treaty bodies and special procedures.

A. Creation of an observatory on racism with wider scope than the database provided for under the Durban Declaration and Programme of Action

60. As already elaborated in the present report (see chapter II), the Durban Declaration and Programme of Action recommends that OHCHR create a database containing information, inter alia, on practical means to address racism, racial discrimination, xenophobia and related intolerance. Racial discrimination is a particularly pernicious human rights violation because of the difficulty in detecting and proving it, hence the need for well-developed information gathering and analytical capacities that go beyond a collection of best practices. Such are the capacities I would like to see developed within my Office under the rubric of an observatory.

61. I envision the observatory as having the capacities outlined below. These would be refined through consultations with partners within and outside the United Nations system:

(a) Receive information from States, human rights treaty bodies, special procedures, United Nations entities, national human rights institutions, victims' groups and non-governmental organizations as well as relevant regional and international organizations, and the process of the universal periodic review;

(b) Compile and analyse trends in and manifestations of racism as well as legislation, policies, programmes and institutions to address them;

(c) Transmit information on racism, and related intolerance and steps to address them to the intergovernmental follow-up mechanisms of the Durban Declaration and Programme of Action, the universal periodic review, the Committee on the Elimination of Racial Discrimination and relevant special procedures;

(d) Provide information to States with respect to the formulation and implementation of legislation and national action plans and the establishment and operation of institutions in the field of racism, racial discrimination, xenophobia and related intolerance;

(e) Provide needs assessment support and other expertise for technical cooperation programmes;

(f) Link with national focal points to ensure the flow of information.

62. The observatory can only fulfil its purpose if all stakeholders are committed to providing information, including statistics, legislation, policies, programmes and case law.

63. To date, the Anti-Discrimination Unit has relied predominantly on information provided by States. The observatory, which would enhance the Anti-Discrimination Unit, would go beyond official sources and make use of other reliable sources, such as non-governmental organizations, international organizations, regional organizations, national human rights institutions and research and academic institutions, which would provide empirical information about different dimensions of racist phenomena at the global level.

64. With the objective of ensuring complementarity and synergies, the proposed observatory would interact with other processes and mechanisms undertaken or supported by OHCHR in the field of racism, racial discrimination, xenophobia and related intolerance, such as the Committee on the Elimination of Racial Discrimination, the special procedures, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the intergovernmental follow-up mechanisms established by the 2001 World Conference against Racism. The mutually reinforcing nature of these processes will depend on the flow of credible information and a sound analysis of racism.

B. Enhancing effectiveness and synergies of Durban follow-up mechanisms

65. It is crucial that the follow-up mechanisms established by the Durban Declaration and Programme of Action - the Intergovernmental Working Group, the Independent Eminent Experts and the Working Group of Experts on People of African Descent - are synchronized to provide more effective implementation of the Durban Declaration and Programme of Action. I propose consolidation of the Durban follow-up mechanisms in the Intergovernmental Working Group. This would allow the current Working Group of Experts on People of African Descent to continue its work at a more effective level by concentrating on field visits, which would constitute its main added value. In addition, the experts on people of African descent would report to the Intergovernmental Working Group. Also, the expertise of the Independent Eminent Experts could be drawn on by the Intergovernmental Working Group.

66. In parallel with this restructuring, I will take the lead in encouraging the mainstreaming of the implementation of the Durban Declaration and Programme of Action in the work of all relevant United Nations entities. The World Summit of 2005 gave a clear endorsement to human rights mainstreaming and to my leadership in system-wide consultations to coordinate and make recommendations to the United Nations system. Through high-level consultations, I will make the implementation of the Durban Declaration and Programme of Action a standing agenda item, to be followed up at the working level by a task force, which would annually brief the Intergovernmental Working Group. The establishment of the task force will take us one step further in realizing the vision proclaimed by world leaders at the 2005 World Summit Outcome to support mainstreaming human rights as well as closer cooperation between OHCHR and other United Nations bodies in responding to the broad range of human rights challenges facing the international community.

C. Anti-racism technical cooperation programmes

67. The Durban Declaration and Programme of Action places the primary responsibility for implementation on States. Paragraph 196 of the Programme of Action calls on OHCHR to develop programmes which can be implemented in countries, while paragraph 197 invites States to fund the development by OHCHR of specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance.

68. My Office wishes to play a greater role in the provision and delivery of effective services to help States fulfil their commitments under the Durban Declaration and Programme of Action. On the basis of information collected through the observatory (see paragraphs 60-64 above), a technical cooperation programme could be conceived and implemented to build national capacity to confront racism, racial discrimination, xenophobia and related intolerance and help States develop national action plans against racism, racial discrimination, xenophobia and related intolerance.

69. The role of victims' groups in the development of these programmes, including through the proposed observatory, is essential. A thematic approach mainstreaming anti-racism in existing technical cooperation projects should also be envisaged.

D. Development of guidelines for anti-racism national action plans and legislation

70. Paragraph 191 (a) of the Programme of Action requests States to elaborate action plans in consultation with national human rights institutions, and to provide them to OHCHR together with other measures to implement provisions of the Durban Declaration and Programme of Action. To assist States to comply with this provision, OHCHR has been developing guidelines for drawing up national action plans to help confront racism, racial discrimination, xenophobia and related intolerance. These guidelines are based on the Durban Declaration and Programme of Action, which offers extensive advice on the main components of a national action plan, the constituencies that are to take part in their development, the identification of victims and steps and activities to promote and apply the plan. The final guidelines will be issued later in 2009.

71. The proposals I have outlined above have the shared aim of developing useful and practical policy tools in different areas where the Durban Declaration and Programme of Action calls for substantive action and helping States put these tools to use through capacity-building and technical assistance.

72. As noted above, in its resolution 5/1, the Human Rights Council requested my Office to update the model anti-discrimination law. The Intergovernmental Working Group suggested updating the model law on anti-discrimination that was produced in the framework of the Third Decade to Combat Racism and Racial Discrimination to assist States to elaborate and adopt legislation complying with obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and their commitments to the Durban Declaration and Programme of Action.

73. The first draft of guidelines on national legislation will soon be circulated for comments from States and other stakeholders. In the future, OHCHR hopes to periodically update the

guidelines. The proposed observatory would provide OHCHR with the capacity to take into account the most effective elements of anti-discrimination legislation around the world, the concluding observations of the Committee on the Elimination of Racial Discrimination, the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as good practices, including those gathered through the universal periodic review.

74. I also wish to go beyond provision of legislative assistance to develop guidelines for States on remedies for racism and related intolerance, which should be available at the national level, with particular emphasis on access to justice, legal assistance, burden of proof and special measures with a view to helping to bring about tangible improvements in the daily lives of the victims of racism, racial discrimination, xenophobia and related intolerance.

E. Development of equal opportunity and non-discrimination indicators

75. Encouraged by human rights treaty bodies, OHCHR is also developing equal opportunity and non-discrimination indicators, which would serve as tools for States and other stakeholders to evaluate and monitor their own progress in implementing anti-discrimination policies at the national level so that implementation can be enhanced. I plan to make equal opportunity and non-discrimination indicators a priority of my Office's work. These indicators would not be a tool for a ranking of the level of implementation by Member States; rather, they would allow States to assess the differential access to the enjoyment of rights, namely inequalities in the enjoyment of rights. For these purposes, the indicators would refer to the essential dimensions of human rights incorporated in international human rights instruments, translating each category of rights into specific quantitative measures. OHCHR would develop a model set of indicators, which could then be adapted to the national context by States.

F. Research and advocacy role of the Office of the High Commissioner

76. The strengths and competitive advantage of OHCHR in the struggle against racism and xenophobia lie in its responsibility for substantive servicing of the Committee on the Elimination of Racial Discrimination, other treaty bodies and relevant special procedures. If further empowered by sufficient resources and the information gathering and analysis tool of the proposed observatory on racism, my Office could develop the capacity to conduct research on the complex dimensions and inter-sectionality of racism and related phenomena, such as migration, extreme poverty, terrorism and new technologies. This could pave the way for an analytical and thematic annual report on racism, racial discrimination, xenophobia and related intolerance identifying patterns in racism, racial discrimination, xenophobia and related intolerance, and publicizing good practices. Such a report could replace current reporting requirements on the implementation of the Durban Declaration and Programme of Action. The annual report could also reflect the findings and recommendations of the Durban follow-up mechanisms and thus become a more visible and effective tool to enhance international cooperation against racism, racial discrimination, xenophobia and related intolerance.

77. The above proposal builds on paragraph 191 (c) of the Durban Programme of Action, which invites OHCHR to include in its mandate the compilation of information on racial discrimination and its development, and on legal and administrative support and advice to

victims of racial discrimination and the collection of background materials, and paragraph 195, which invites OHCHR, in consultation with UNESCO, and non-governmental organizations active in the field, to encourage research activities aimed at collecting, maintaining and adapting the technical, scientific, educational and information materials produced around the world to fight racism. The report would essentially draw on the information gathered by the proposed observatory on racism and should include a section on good practices, especially in confronting new manifestations of racism. With adequate empirical data, the proposed annual report and observatory on racism would be important resources for States in their efforts to combat racism. The annual report would also serve as an important awareness-raising and advocacy tool.

G. Strengthening the Anti-Discrimination Unit

78. The implementation of the mandate given to the Anti-Discrimination Unit as well as additional tasks that are likely to arise from the Durban Review Conference will mean that the Unit's capacity should be significantly enhanced. With adequate additional resources, I intend to strengthen the structure and performance of the Unit in line with the proposals outlined above.

H. Enhanced action at the national level

79. The Durban Review Conference is a timely opportunity for States to renew their commitment to the struggle against racism, racial discrimination, xenophobia and related intolerance. In my view, there are a number of areas which require priority attention, namely timely reporting to the Committee on the Elimination of Racial Discrimination, an increase in the number of declarations under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, improved follow-up to the concluding observations of the Committee, the issuance of standing invitations to all special procedures, especially the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, improved follow-up to the recommendations of the Special Rapporteur, an increased number of responses to requests for information by OHCHR, within the mandates defined by States themselves and, last but not least, the development of national action plans against racism, racial discrimination, xenophobia and related intolerance as mandated by the Durban Declaration and Programme of Action.

80. The universal periodic review mechanism provides another avenue for follow-up to the implementation of the Durban Declaration and Programme of Action. I encourage States to give due attention to issues related to racism and the Durban Declaration and Programme of Action in the review process. I also hope that, in any future review of the review mechanism, due consideration will be given to allocation of time to allow adequate follow-up to the implementation of the Durban Declaration and Programme of Action.

V. CONCLUSIONS

81. I have submitted the proposals above as concrete and comprehensive steps to enhance the implementation of the Durban Declaration and Programme of Action. They are directed at the development of synergies within the human rights machinery, which should lead to better promotion and protection of the rights of the victims of racism and intolerance. In addition, my proposals aim to set in motion a process of continued assessment of national, regional and international efforts through the regular flow and exchange of information and best practices among relevant stakeholders.

82. Despite the complexity of some of the issues under consideration in the review process, I believe the divergence of views is enriching and bridgeable. The Durban Review Conference and its outcome must unite rather than divide us, and spur us into action to breathe new life into the implementation of the Durban Declaration and Programme of Action. We owe this to the victims of racism, racial discrimination, xenophobia and related intolerance.

ANNEX

[ENGLISH ONLY]

COMBATING RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE: AN OVERVIEW OF THE ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER

1. The fight against racism, racial discrimination, xenophobia and related intolerance and the effective implementation of the Durban Declaration and Programme of Action are among the priorities of OHCHR. The Office has implemented activities at several levels.
2. OHCHR services the mechanisms created to follow up the Durban Declaration and Programme of Action: the Independent Eminent Experts; the Working Group of Experts on People of African Descent and the IGWG. Moreover, OHCHR assists the Ad Hoc Committee on the Elaboration of Complementary Standards that was established in 2006 by the Human Rights Council. OHCHR also provides support to CERD and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Within the framework of the preparatory process for the Durban Review Conference, OHCHR services the Preparatory Committee of the Durban Review Conference and its Bureau, the intersessional open-ended intergovernmental working group and its informal Group of "Friends of the Chair", the regional preparatory meetings in Brasilia and Abuja.
3. OHCHR carries out technical cooperation projects at the national level with a number of non-governmental organizations and several national human rights institutions regarding activities in the field of awareness-raising on racism, racial discrimination, xenophobia and related intolerance.
4. OHCHR is the lead agency responsible for integrating activities aiming at eradication of racism, racial discrimination, xenophobia and related intolerance into programmes and projects of the United Nations. For this purpose, OHCHR has convened interagency meetings to exchange information and has undertaken joint activities.
5. OHCHR liaises with non-governmental organizations and youth organizations to share information with these constituencies on a regular basis and to facilitate their participation in meetings, seminars and workshops convened by OHCHR and other organizations.
6. In the implementation of the above, OHCHR has frequently solicited information from States, United Nations funds, programmes and specialized agencies, regional organizations, non-governmental organizations and national human rights institutions on efforts for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of DDPA. Such information is incorporated in regular reports that have been submitted both to the former Commission on Human Rights, the Human Rights Council and the General Assembly. Moreover, the Office has produced publications and other awareness-raising and outreach materials.

Technical cooperation

7. OHCHR, through its various technical cooperation activities, has supported initiatives related to implementation of the DDPA. This has meant Office-wide engagement with frequent partnership arrangements. The following section highlights some of the initiatives which the Office has undertaken since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in 2001.

National action plans

8. The Office is providing assistance in the elaboration, development and implementation of national action plans on human rights, human rights education and racism, racial discrimination, xenophobia and related intolerance. A Handbook on National Human Rights Plans of Action, Guidelines for National Plans of Action for Human Rights Education and compilations of National Plans of Action for the Promotion and Protection of Human Rights and National Plans of Action for Human Rights Education are available on the website of OHCHR.^a OHCHR is finalizing the Guidelines on National Action Plans against Racism and Racial Discrimination.

9. In 2003, the Office provided a grant to the Government of Argentina for drafting a national action plan to combat racism.

National human rights institutions

10. The Office has been actively engaged with national institutions in the follow-up to the Conference. The Office and the Danish Centre for Human Rights have established a website (www.nhri.net) on national institutions. This web site includes a section on racism and discrimination issues dealt with by national institutions.

11. The Office has supported independent national human rights institutions and other governmental organizations working on issues related to racism, racial discrimination, xenophobia and related intolerance established as a follow-up to the DDPA. OHCHR has facilitated several meetings in the Latin American region aiming to strengthen the effectiveness of these institutions and the exchange of good practices among themselves.

12. OHCHR also provided assistance to six national human rights institutions from Fiji, India, Mexico, Mongolia, Niger and Venezuela, to implement activities in the field of awareness-raising on racism, racial discrimination, xenophobia and related intolerance.

Education and training

13. Human rights education aims at preventing discriminatory attitudes and behaviour, combating bias and prejudices and appreciating cultural diversity. OHCHR is carrying out education, training and public information activities in the context of technical cooperation for

^a http://www2.ohchr.org/english/issues/plan_actions/index.htm.

regional or country projects and in connection with the implementation of the United Nations Decade for Human Rights Education (1995-2004) and the World Programme for Human Rights Education (2005-ongoing). In addition, OHCHR has developed specific human rights training materials, within the framework of the United Nations Decade for Human Rights Education, aimed at specific professional categories, such as human rights monitors, police, judges, prosecutors and lawyers; and prison officials.^b In the development of these materials, OHCHR worked in close cooperation with relevant experts and professional organizations. These training materials always addressed the contribution that people in those professions can make in overcoming racial discrimination while performing their professional duties.

14. Some other relevant educational projects undertaken by OHCHR that are relevant to the follow-up to the World Conference in 2001 include the following:

(a) A small grants scheme under Assisting Communities Together (ACT) project, initiated in 1998 in cooperation with the United Nations Development Programme (UNDP), with a ceiling of approximately \$5,000 per grant, by which non-governmental organizations, grassroots organizations and schools received financial support for action-oriented initiatives in the field of education against racism in Barbados, Burundi, Cambodia, Colombia, Chad, Ethiopia, Indonesia, Kyrgyz Republic, Mauritania, Mongolia, Nicaragua, Romania, Serbia and Montenegro and Uruguay;

(b) OHCHR's database on human rights education (www.unhchr.ch/hredu.nsf) makes available information on human rights education and training materials, programmes and related institutions;

(c) Training on international standards against racism and on the DDPA was provided for a post-graduate course on "Gender, minorities and indigenous peoples" in Maracaibo, Venezuela (March 2004) and to a panel on multiple forms of discrimination faced by women in Quito (March 2004).

Ratification of international instruments and legislative reform

15. As part of its technical cooperation programme, OHCHR has worked in a number of countries on projects aimed at facilitating the ratification of international human rights treaties and consequent harmonization of domestic legislation. All contain anti-discrimination provisions.

Regional institutions and activities

16. OHCHR works closely with regional organizations and institutions, which have a major role to play in the follow-up to the Conference. Activities and projects with those organizations

^b www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx.

focused on implementation of the DDPA. The regional commissions and the OHCHR regional representatives based in those commissions were a central element in the follow-up by OHCHR at the regional level and within the United Nations country teams.

Participation in and organization of seminars and workshops

17. The following provides a synopsis of some of the seminars and workshops which OHCHR has been a contributor to:

2001

- OHCHR and the Joint United Nations Programme on HIV/AIDS (UNAIDS), together with the Asia Pacific Forum of National Human Rights Institutions, organized a workshop to enhance awareness of and cooperation on HIV/AIDS-related human rights issues in the Asia-Pacific region through the work of national human rights institutions. The workshop focused on the right to equality and non-discrimination in the context of HIV/AIDS, and on the right to health in particular, and how the core functions of national human rights institutions - complaint handling and investigation, education and promotion and legal reform - can address these issues (October)

2002

- OHCHR organized in Mexico City, a seminar entitled: “Latin-American-Caribbean Regional Seminar of Experts on the implementation of the Durban Declaration and Programme of Action: Exchange of ideas on future action” (1-3 July)
- In cooperation with the Department of Public Information, OHCHR marked the International Day for the Elimination of Racial Discrimination with a panel discussion entitled “Young People against Racism: the Road from Durban” (21 March)
- OHCHR organized a regional seminar on people of African descent in the Americas in La Ceiba, Honduras (21 to 24 March 2002). It was the first time that OHCHR had addressed the human rights situation of Afro-descendant communities in Latin America
- The Sixth International Conference for National Human Rights Institutions was held in Copenhagen, Denmark and Lund, Sweden. The conference was organised by the Danish Centre for Human Rights and the Swedish Ombudsman Against Ethnic Discrimination in cooperation with the Chair of the International Co-ordinating Committee for National Human Rights Institutions and OHCHR. Its overall theme was the role of national human rights institutions in combating racial discrimination, as a follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (10-13 April)
- The Regional Workshop on National Human Rights Institutions, Human Rights Education, Media and Racism organized by the Asia Pacific Forum of National Human Rights Institutions and the Australian Human Rights and Equal Opportunity Commission was co-sponsored and financed by OHCHR and the Australian Agency for International Development (15-16 July)

- A Seminar for Experts of the African Region, Implementation of the Durban Programme of Action: an exchange of ideas on how to move forward, organized by OHCHR in cooperation with the United Nations Office at Nairobi (UNON) was held in Nairobi (16-18 September)

2003

- A joint workshop convened by OHCHR and UNESCO to develop a publication to combat racism and to foster tolerance was held in Paris, (19-20 February)
- OHCHR representatives made presentations at meetings hosted by a number of partners, including: the “Thematic Networking Meeting” organized by the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna (February); the UNESCO consultations for the African region on follow-up to the World Conference in Dakar (February); and the European region in Moscow (March)
- In 2003, OHCHR organized, in Geneva, a panel discussion entitled “Taking steps against racism” which was convened to commemorate the International Day for the Elimination of Racial Discrimination (21 March)
- OHCHR, in cooperation with the Government of Uruguay, organized a regional workshop on affirmative action policies for people of African descent in Latin America and the Caribbean in Montevideo (May)
- OHCHR organized, in Geneva, an interagency meeting to inform other agencies about World Conference follow-up initiatives and to discuss future joint activities (May)
- OHCHR and the ILO organized a panel discussion during the fifty-fifth session of the Subcommission on the Promotion and Protection of Human Rights and the sixty-third session of CERD to discuss multi-stakeholder initiatives at the national level to foster equality and non-discrimination in the workplace and wider community (11 August)
- OHCHR organized in Prague, Czech Republic, a “Regional seminar of experts for Eastern Europe on the implementation of the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: An exchange of ideas on how to move forward” (24-26 September)
- OHCHR, in cooperation with the Government of Belgium, organized in Brussels, a regional seminar of experts for Western States entitled “Implementation of the Durban Programme of Action: An exchange of ideas on how to move forward” (10-12 December)

2004

- OHCHR, in cooperation with the New Zealand Race Relations Conciliator, organized a round table on “International Race Relations” in Auckland, New Zealand (2 to 5 February)

- A panel discussion on “Intercultural dialogue: a means to combat racism” was convened in Geneva to commemorate the International Day for the Elimination of Racial Discrimination (21 March)
- At the Conference on Anti-Semitism convened by the Organization for Security and Cooperation in Europe (OSCE) in Berlin, an OHCHR representative made a presentation on the role of CERD, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the OHCHR Anti-Discrimination Unit in the monitoring of anti-Semitism. Since then, a process of consultations is ongoing with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to explore avenues for further cooperation (April)
- OHCHR participated in the official launch of the project “The abolition of the slave route”, jointly organized by UNESCO and the Government of France in Champagne (April)
- OHCHR played an active role at the OSCE meeting on the relationship between racism, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, held in Paris (June)
- OHCHR organized a workshop for non-governmental organizations and youth organizations on the “Implementation of the recommendations of the World Conference against Racism”, held in Yaoundé (July)
- OHCHR moderated a session on the “Dialogue among Civilizations” at the United Nations Graduate Study Programme in Geneva (July)
- OHCHR organized and sponsored a round table for young people at the World Youth Festival in Barcelona, Spain under the title “Stand up against racism!” (August)
- OHCHR participated in and supported, in partnership with the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas the International Workshop *Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection* held in Zacatecas, Mexico (14-15 October)
- OHCHR participated in and provided financial support for the organization of an expert seminar on “Defamation of religions and the global combat against racism: Anti-Semitism, Christianophobia, Islamophobia,” hosted by the UNESCO Centre of Catalonia in Barcelona, Spain (11 to 14 November)
- OHCHR and the Pan-American Health Organization jointly organized a regional workshop for the Latin American and Caribbean Region in Brasilia, on “Ensuring that the Millennium Development Goals contribute to overcoming discrimination based on race, colour, descent, national and ethnic origin in Latin America and the Caribbean Region” (1 to 3 December 2004)

2005

- Dimensions of Racism (published jointly with UNESCO) (HR/PUB/05/4) available in English, French and Spanish
- OHCHR, with the Network of National Institutions for the Promotion and Protection for Human Rights, organized an international seminar on “Illicit Trafficking of Migrants, Human Rights and National Institutions in Campeche, Mexico (10 and 11 March 2005)
- OHCHR organized a panel discussion on “Discrimination and hate crimes: countering the violence of intolerance” in Geneva, to commemorate the International Day for the Elimination of Racial Discrimination (21 March)
- OHCHR contributed to the work of the Conference on Anti-Semitism and on Other Forms of Intolerance convened by the OSCE in Cordoba, Spain (June)
- OHCHR organized a sub-regional seminar for States members of the Economic Community of Central African States on the fight against racism, racial discrimination, xenophobia and related intolerance through inclusive participation in public life, in cooperation with the Government of Gabon in Libreville (27-29 July)
- OHCHR worked together with United Nations bodies, specialized agencies, and international and regional intergovernmental organizations. Cooperation with UNESCO on the International Coalition of Cities against Racism project, sharing the responsibility of its scientific and technical secretariat. This Coalition consists of networks of cities interested in sharing experiences in order to improve their policies to fight racism, discrimination and xenophobia. OHCHR participated in a working meeting between the Bangkok Municipal Authority and UNESCO for the preparation of a meeting of the Coalition of Cities against Racism and Discrimination in Asia and the Pacific (July)
- OHCHR organized a regional expert seminar on the implementation of the right to education as a tool to combat racism, racial discrimination, xenophobia and related intolerance held in Bangkok, entitled: “Combating racism, racial discrimination, xenophobia and related intolerance: role of education” (19-21 September 2005)
- OHCHR, in collaboration with UNDP, organized a regional workshop for the Americas entitled “Strategies for the inclusion of people of African descent in programmes to reduce poverty, especially to achieve Millennium Development Goal 1”. The workshop, hosted by the Government of Peru, was held in Chinchá (2 to 4 November)
- Regarding the development of a racial equality index, a consultant was hired by OHCHR to undertake an initial study. In parallel, a series of OHCHR internal consultation meetings were conducted to determine the conceptual and empirical elements to be taken into consideration in the process of assessing the feasibility of the creation of a racial equality index. In addition, a series of bilateral consultation meetings were held in New York from 15 to 19 August 2005 and an expert consultation workshop was organized in Geneva from 14 to 15 November 2005. This workshop provided a forum for experts to exchange views and share experiences and was chaired

by Ms. Isil Gachet, Executive Secretary to the European Commission against Racism and Intolerance. About twenty experts and practitioners, representatives of United Nations agencies, regional organizations, non-governmental organizations and academic institutions participated

- My Office strengthened its extensive training programme exclusively dedicated to empowering indigenous and minority representatives. Since Durban 2001, the indigenous fellowship programme has been reinforced with the introduction of three additional linguistic components (Spanish, French and Russian). In addition, since 2005 a new fellowship programme for minorities was established in English and Arabic. The indigenous and minority fellowship programmes play a significant role in reinforcing the capacity of trained fellows to better promote and protect the rights of their communities by engaging with existing human rights mechanisms, including the Human Rights Council, the universal periodic review, treaty bodies especially CERD, and special procedures. The programmes also include some sessions on the Durban process and participation in Durban-related events

2006

- During the fourth session of the IGWG, a high-level seminar on racism and the Internet and on complementary international standards for combating racism was convened by OHCHR as requested by the Commission on Human Rights in its resolution 2005/64 (January)
- To commemorate the International Day for the Elimination of Racial Discrimination, OHCHR organized, in collaboration with ILO and UNESCO, panel discussions on the theme “Fighting everyday racism” (21 March)
- A Regional Conference of the Americas (North, South and Central America and the Caribbean), organized by the Government of Brazil through the Special Secretariat for the Promotion of Policies on Racial Equality (SEPPPIR) and the Government of Chile with the support of OHCHR, was held in Brasilia, on progress made and challenges remaining with regard to the effective implementation of the DDPA. During the Conference, OHCHR and SEPPPIR launched the Compilation of the concluding observations of the Committee for the Elimination of the Racial Discrimination for Latin American and the Caribbean countries (1970-2006)” (26 to 28 July)

2007

- OHCHR participated in an expert seminar on the theme of regional standards and mechanisms to combat discrimination and to protect the rights of minorities organized by the independent expert on minority issues. Held in Washington, D.C., the objectives of the seminar were, inter alia, to identify best practices in international law to be made available to regional organizations, specifically to the Organization of American States in formulating new mechanisms to promote, monitor and protect rights with respect to minorities and other groups facing racism and other forms of discrimination (29-30 January)

- To commemorate the International Day for the Elimination of Racial Discrimination, OHCHR in Geneva, in New York and in the field organized activities in connection with the theme, “Racism and discrimination: obstacles to development”. OHCHR organized a high-level panel discussion on the interrelationship between racism and other forms of discrimination, development, poverty, economic growth, good governance and conflict (21 March)
- OHCHR organized in Nepal an experts’ advice mission on social exclusion and long-standing discrimination. The mission was intended to assist OHCHR-Nepal in refining its policy and strategy in providing assistance to the Government in addressing social exclusion, discrimination and inequality (23-27 April)
- OHCHR participated in a conference in Nuremburg, Germany, held under the auspices of UNESCO, and organized by the European Coalition of Cities against Racism which brought together cities, municipalities and non-governmental organizations engaged in combating racism and discrimination (11-12 May)
- OHCHR organized a consultation in Geneva with OHCHR field presences to discuss strategies for improving sensitization and engagement of stakeholders in preparations toward the Durban Review Conference of 2009 (27-28 December)
- OHCHR organized a regional expert seminar on the implementation of the DDPA and the road ahead to the Durban Review Conference in 2009, held in Lomé (3-4 December)

2008

- OHCHR facilitated the participation of several attendees in the Third Consultation of Latin American and Caribbean Organizations for Racial Equality in Quito (January)
- OHCHR, in cooperation with ILO, the United Nations Office on Drugs and Crime and the Independent Expert on minority issues, held an expert meeting on integration with diversity in policing in Vienna from 15 to 16 January 2008, hosted by the Government of Austria. OHCHR invited 10 senior professionals from the police services from different regions and countries (Brazil, Cameroon, Canada, Hungary, India, Ireland, Nigeria, Pakistan, Samoa and South Africa) to participate in the meeting as experts and share good experiences and lessons learned in relation to inclusion with diversity in policing. Participants agreed that it would be useful to produce practical guidance and examples of good practices. The Guidance and Good Practice on Diversity in Policing have been developed by OHCHR
- OHCHR supported the holding of a seminar on “Assessment of European Union regional cooperation programme addressed to the strengthening of social cohesion in the Latin American and Caribbean region”, held in Panama (28-29 March) and organized by the Iberoamerican General Secretariat and the European Commission with the collaboration of the Economic Commission for Latin America and the Caribbean

- OHCHR, in commemoration of the International Day for the Elimination of Racial Discrimination, held a high-level panel discussion on the following topic: “Dignity and Justice - the Cornerstones of Combating Racial Discrimination” (18 March)
- OHCHR supported the holding of the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference held in Brasilia (17-19 June)
- OHCHR supported the holding of the Regional Conference for Africa Preparatory to the Durban Review Conference held in Abuja (24-26 August)
