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DURBAN REVIEW CONFERENCE

Preparatory Committee

Intersessional open-ended intergovernmental working group  
to continue and finalize the process of negotiations on and  
drafting of the outcome document

Second session

Geneva, 6-9 April 2009

Agenda item 5

**IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP AS  
CONTAINED IN PREPARATORY COMMITTEE DECISION PC.3/108 OF  
17 OCTOBER 2008 ENTITLED “CONTINUATION OF THE PREPARATORY  
PROCESS FOR THE DURBAN REVIEW CONFERENCE”**

**Note by the Secretary-General\***

The present document contains, in the annex, the shortened and streamlined rolling text prepared by the Chairperson-Rapporteur of the intersessional open-ended intergovernmental working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document of the Durban Review Conference.

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\* Late submission.

**Annex**

**SECTION 1**

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

**A. Sources, causes, forms, and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance**

1. *Reaffirms* the Durban Declaration and Programme of Action, as it was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;[\*]

2. *Welcomes* the efforts undertaken at all levels since the adoption of the Durban Declaration and Programme of Action to implement its provisions;

3. *Expresses concern* that the obstacles identified in the Durban Declaration and Programme of Action remain to be overcome in order to eradicate, prevent and combat effectively racism, racial discrimination, xenophobia and related intolerance and that there are still many areas where achievements have not been gained or further improvements have to be attained;

4. *Emphasizes* the need to continue addressing with even more resolve all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance in all parts of the world and in all spheres of life;

5. *Reaffirms* that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights; and strongly rejects any doctrine of racial superiority along with theories which attempt to determine the existence of so-called distinct human races;[\*]

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[\*] Adopted ad referendum during the first session of the intersessional open-ended intergovernmental working group (ISWG) to continue and finalize the process of negotiations on and drafting for the outcome document, 19-23 January 2009;

[\*\*] Adopted ad referendum during the informal open-ended consultations convened by the Chairperson-Rapporteur of the ISWG, 16-19 and 26 February 2009;

[\*\*\*] Adopted ad referendum during the first session of the ISWG or during the informal open-ended consultations, and subsequently revised by the Chairperson-Rapporteur of the ISWG.

6. *Reiterates* that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty;

7. *Reaffirms* the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State;[\*]

8. *Condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

9. *Reaffirms* that democracy and transparent, responsible, accountable and participatory governance at the national, regional and international level, responsive to the needs and aspirations of the people, are essential to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

10. *Recognizes with deep concern* the negative stereotyping of religions and the global rise in the number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism;

11. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, as well as the dissemination of ideas based on racial superiority and hatred and acts of violence and incitement to such acts, and that these prohibitions are consistent with freedom of opinion and expression;

12. *Recognizes* that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences and deplors the occurrences of armed conflicts as well as ethnic or religious violence, and notes, in this respect, paragraphs 138 and 139 of the 2005 World Summit outcome;

13. *Reaffirms* that the principles of equality and non-discrimination are fundamental principles of international human rights law and international humanitarian law that are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;

#### **B. Victims of racism, racial discrimination, xenophobia and related intolerance**

14. *Acknowledges* that there should be no hierarchy among potential victims of racism, racial discrimination, xenophobia and related intolerance and that all victims should receive the same attention, the necessary protection and accordingly appropriate treatment;

15. *Expresses its appreciation* for progress made in addressing the situation of the victims of racism, racial discrimination, xenophobia and related intolerance identified in the Durban Declaration and Programme of Action, while regretting that racism, racial discrimination, xenophobia and related intolerance still persist;

**C. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels**

16. *Recognizes* that prevention, combating and eradication of racism, racial discrimination, xenophobia and related intolerance are of crucial importance and key elements for the promotion of cohesion and peaceful resolution of community tensions;[\*\*]

17. *Stresses the need* to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures and in building confidence;[\*\*\*]

18. *Notes with appreciation* the activities in some countries of independent information networks on racism, racial discrimination, xenophobia and related intolerance which collect relevant information and develop strategies to combat these phenomena, while also highlighting and disseminating good practices which could assist national bodies and institutions in the development of strategies to combat and eradicate these phenomena;[\*\*\*]

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

20. *Recognizes* steps taken at national level to promote human rights education in all parts of the world after the adoption in 2001 of the Durban Declaration and Programme of Action, particularly in order to sensitize the public at large with regard to the cultural diversity;

21. *Notes with appreciation* the increasing number of initiatives to promote intercultural dialogue and affirms the need to intensify engagement between all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding with a view to overcoming existing gaps in perceptions, concepts and ideas;[\*\*]

22. *Welcomes* the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil society;[\*\*]

23. *Notes with concern* the precarious situation of human rights defenders and non-governmental organizations, including anti-racist non-governmental organizations, which undermines the struggle against racism, racial discrimination, xenophobia and related intolerance;[\*\*]

**D. Provision of effective remedies, recourse, redress and compensatory and other measures at all levels**

24. *Welcomes* the adoption of legislation, at the national and regional levels, to address discrimination and victimization in employment and training, the provision of goods, facilities and services, education, housing and public functions;[\*\*]

25. *Recalls* the importance of a competent, independent and impartial judiciary to determine in a fair and public procedure whether acts of racism, racial discrimination, xenophobia and related intolerance are prohibited by international human rights law in order to ensure effective remedies and adequate redress for the victims;[\*\*\*]

**E. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance**

26. *Reaffirms its call* upon States to diligently apply all commitments resulting from international and regional conferences in which they participated, and to formulate national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance;

**SECTION 2**

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

27. *Takes note with appreciation* of the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, undertaken by all mechanisms established following the request of the World Conference against Racism, namely 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 Group, and of the contributions they have made to implement the Declaration and Programme of Action;

28. *Welcomes* the important role played by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant special procedures and mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance and calls on States to cooperate fully with these mechanisms;

29. *Acknowledges the need* to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity in their work;

30. *Takes note with appreciation* that the Ad Hoc Committee on the Elaboration of International Complementary Standards convened its first session and agreed upon a road map, with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action;

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

### SECTION 3

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

#### **General**

32. *Reaffirms* that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms;

33. *Affirms* that full implementation of the Convention is fundamental for the global fight against racism and racial discrimination;

34. *Welcomes* the interpretation given by the Committee on the Elimination of Racial Discrimination to the definition of the concept of racial discrimination as contained in the Convention, so as to address multiple or aggravated forms of discrimination;

#### **Ratification**

35. *Welcomes* the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by a number of countries since the 2001 World Conference, while regretting that the goal of universal ratification by 2005 was not achieved;[\*\*\*]

36. *Renews in this context its call* to States that have not yet done so to ratify or to accede to the Convention as a matter of high priority;

37. *Reiterates its call* to States parties to the Convention to consider making the declaration under its article 14 to enable victims to resort to the envisaged remedy, and requests States parties that made the declaration under article 14 to increase awareness of this procedure so as to fully exploit its potential;[\*]

38. *Urges* States parties to the Convention to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

## Reporting

39. *Expresses its concern* at the delays in the submission of reports by the States parties to the Committee on the Elimination of Racial Discrimination, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function, and reiterates that timely submission of reports by States parties is an obligation under article 9 of the Convention, and urges States parties to comply with their reporting obligations;[\*\*\*]

40. *Encourages* the States parties to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action;[\*]

41. *Acknowledges* that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant civil society actors, conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the Convention, and in this context encourages States parties to engage with civil society while preparing their periodic reports and their follow-up;[\*\*\*]

42. *Encourages* non-governmental organizations to continue to provide the Committee with relevant information for the reporting process;[\*]

## Implementation

43. *Notes with appreciation* the country visits, the early-warning and urgent-action procedure, as well as the follow-up procedure established by the Committee on the Elimination of Racial Discrimination, which, applied in cooperation with States concerned, can play a conducive role for a proper implementation of the Convention;[\*]

44. *Emphasizes the importance* of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the Committee;[\*]

45. *Emphasizes*, while acknowledging the primary responsibility of States to implement their obligations under the Convention, that international cooperation and technical assistance play an important role in assisting countries with the implementation of their obligations under it and in the follow-up to the recommendations of the Committee, and calls on the Office of the High Commissioner for Human Rights (OHCHR) to provide, upon request, timely assistance to countries which have capacity and other constraints;[\*]

46. *Stresses* the importance of and invites States parties 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;

#### SECTION 4

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

47. *Takes note with interest* of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including, inter alia, institutions, provisions and legislation to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;[\*]

48. *Recognizes* that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the Durban Declaration and Programme of Action, when considered appropriate to adapt or replicate best practices, including international cooperation;[\*]

49. *Recommends* that examples of best practices provided for by Governments, regional and international organizations and other stakeholders be placed on the website of OHCHR and linked to the section on the outcome of the Durban Review Conference, with a view to their adaptation and replication, and recommends that the website be duly and in a timely manner updated by OHCHR;[\*\*\*]

#### SECTION 5

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

#### General

50. *Stresses the need* for a comprehensive and universal approach to preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance in all parts of the world;[\*]

51. *Stresses the need* for advocating and mobilizing the political will of relevant actors at all levels to eliminate racism, racial discrimination, xenophobia and related intolerance;[\*\*\*]

52. *Calls on* States to undertake effective media campaigns to enhance the struggle against all manifestations of racism, racial discrimination, xenophobia and related intolerance, inter alia, by disseminating and giving adequate visibility to the Durban Declaration and Programme of Action and its follow-up mechanisms;[\*\*\*]



### **Action at the national level**

53. *Calls on* States to take effective, tangible and comprehensive measures to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance as a matter of priority;
54. *Calls on* States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, to secure expeditious access to justice and to provide fair and adequate redress for victims;
55. *Reaffirms* the positive role that the exercise of the right to freedom of opinion and expression, as well as the full respect for the freedom to seek, receive and impart information can play in combating racism, racial discrimination, xenophobia and related intolerance;
56. *Stresses* that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic society, since it ensures access to a multitude of ideas and views;
57. *Invites* Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance;[\*]
58. *Urges* States to punish violent, racist and xenophobic activities by groups that are based on neo-Nazi, neo-Fascist and other violent national ideologies;
59. *Reiterates its call* on developed States, the United Nations and its specialized agencies, as well as international financial institutions, to honour the commitments contained in paragraphs 157, 158 and 159 of the Durban Declaration and Programme of Action;
60. *Welcomes* actions undertaken to honour the memory of the victims of slavery and the slave trades, in particular the transatlantic slave trade, apartheid, colonialism and genocide;
61. *Notes* actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, and/or restituted cultural artefacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so;
62. *Urges* States to implement General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade;
63. *Urges* States to combat impunity for crimes of genocide in accordance with international law, and in this context urges States to cooperate fully with international criminal tribunals;
64. *Recalls* that the Holocaust must never be forgotten, and in this context urges all Member States to implement General Assembly resolutions 60/7 and 61/255;
65. *Calls upon* States to ensure that any measures taken in the fight against terrorism are implemented in full respect of all human rights, in particular the principle of non-discrimination;

66. *Expresses its concern* over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;

67. *Resolves* to fully and effectively enact and implement the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence through all necessary legislative, policy and judicial measures;

68. *Urges* States to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular their practical incorporation into the labour market and into income and employment-generation programmes;

69. *Urges* States to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to, and building the capacity of indigenous youth and youth of African descent;

70. *Urges* States to direct their affirmative or positive actions, strategies and measures, as well as new investments in health care, public health, education, electricity, drinking water and environmental control, to communities of African descent and indigenous peoples;

71. *Welcomes* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which has a positive impact on the protection of victims and, in this context, urges States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments and without discrimination;

72. *Welcomes* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and urges States to step up efforts to protect the human rights of all migrants regardless of their immigration status;

73. *Urges* States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum-seekers, and in this context encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

74. *Urges* States to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum-seekers;[\*\*\*]

75. *Urges* States to adopt a comprehensive and balanced approach to migration, including by strengthening the international dialogue on migration, by developing real partnerships between countries of origin, transit and destination, and by exploring all possible synergies between the management of migration and the promotion of development;

76. *Renews the call* on all States to review and, if necessary, to revise immigration policies inconsistent with international human rights obligations, with a view to eliminating all discriminatory policies and practices;

77. *Urges* States that have not yet done so to adopt and enforce new legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and calls on States to promptly investigate and punish all abuses, including ill-treatment;

78. *Reiterates* that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world, should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;

79. *Urges* States to step up their efforts to protect the human rights of internally displaced persons, to use comprehensive and rights-based strategies to discharge their obligations, and to provide internally displaced persons with protection, assistance and specialized public care; and further urges States to seek lasting solutions for the internally displaced, which may include their safe return, resettlement or reintegration in dignified conditions and in accordance with their own will;[\*\*\*]

80. *Affirms* that the existence and the national or ethnic, cultural, religious and linguistic identity of minorities shall be protected, and that the persons belonging to these minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind;

81. *Urges* States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless;

82. *Recognizes with deep concern* the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers and the violence affecting these communities, and urges States to take concrete measures to prevent, combat and eradicate these scourges and to provide access to just and effective remedies and special protection to the victims; [first part \*\*]

83. *Notes with concern* the increased number of instances of discrimination on multiple grounds and reiterates that such discrimination, as laid down in the Durban Declaration and Programme of Action, affects the enjoyment of human rights and can lead to particular targeting

or vulnerability, in particular of women and girls, and urges States to adopt or strengthen programmes or measures to eradicate multiple and aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena;

84. *Expresses concern* at the persistence of discrimination against women and girls on the grounds of race, racial discrimination, xenophobia and related intolerance and stresses the urgent need to combat such discrimination by prioritizing the development of a systematic and consistent approach to evaluating, monitoring and eliminating such discrimination against women and girls, in accordance with the Durban Declaration and Programme of Action;

85. *Stresses*, in the context of multiple discrimination, the need to treat all forms of violence against women and violence against children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies, and the importance of providing specialized assistance and rehabilitation to victims, including medical and psychological assistance and effective counselling;

86. *Calls upon* States to review, as a matter of priority, the extent to which they have adopted and implemented specific measures to incorporate a gender perspective into all programmes and plans of action to combat racism, racial discrimination, xenophobia and related intolerance and invites States to include an assessment of the effectiveness of such programmes and plans of action in reports to relevant treaty bodies;[\*\*]

87. *Acknowledges* that, although all children are vulnerable to violence, some children because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children; [first part \*\*]

88. *Recognizes* that victims of slavery and slavery-like practices, including contemporary forms of slavery, debt bondage, sexual exploitation or labour exploitation, are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girls often suffer multiple forms of discrimination, victimization, and violence; and stresses, in this regard, that contemporary forms and manifestations of slavery need to be investigated by different stakeholders and given greater prominence and priority if these practices are to be eradicated once and for all;

89. *Urges* States to pass and implement legislation, and to devise, enforce, and strengthen national action plans that integrate a human rights perspective, in particular accounting for gender and age, to combat and eliminate all forms of trafficking in persons, particularly of women and children and other vulnerable groups, taking into account the practices that endanger human lives or lead to various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation;[\*\*]

90. *Urges* States to strengthen bilateral, regional and international cooperation on trafficking in persons, especially women and children, and to facilitate the work of the Special Rapporteur on trafficking in persons, especially in women and children, and of non-governmental organizations that provide assistance to victims;[\*\*]

91. *Urges* States to ensure the protection of and assistance to the victims of trafficking with full respect for their human rights, and to actively promote the rehabilitation of the victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and helplines;[\*\*]

92. *Notes* progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS, especially among populations at higher risk of exposure, and to eradicate multiple discrimination against persons living with and affected by HIV/AIDS, and recommends that States guarantee universal and effective access to medications at affordable prices, particularly those required for the prevention and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate; [first part \*\*]

93. *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and urges States to effectively address the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination;

94. *Urges* States to consider signing and ratifying or acceding to all instruments mentioned in paragraph 78 of the Durban Declaration and Programme of Action;

95. *Urges* States to consider signing and ratifying or acceding to all instruments adopted after the World Conference against Racism, including:

- (a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- (c) Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

96. *Urges* States to combat impunity for crimes with racist or xenophobic motivations, including through adopting appropriate legislation, as well as by amending, rescinding or nullifying any laws and regulations which create or perpetuate racism, racial discrimination, xenophobia and related intolerance;[\*\*]

97. *Calls upon* States, in accordance with their human rights obligations, to declare illegal and to prohibit by law all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote national, racial and religious hatred and discrimination in any form, and to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

98. *Urges* States to ensure that everyone within their jurisdiction enjoys access to justice, as well as access to appropriate State institutions and mechanisms in order to seek just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counselling, and draws attention to the need to increase awareness of judicial recourse and other existing legal remedies and for these to be readily and easily accessible;

99. *Calls on* States to ensure that investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, are carried out in an impartial, timely and exhaustive manner, that those responsible are brought to justice in accordance with the law, and that victims receive prompt and fair satisfaction for any damage;

100. *Calls upon* States to refrain from profiling on racial, ethnic, religious and/or other grounds prohibited by international law, and to prohibit such profiling in its national legislation;

101. *Recommends* that States that have not yet done so establish mechanisms to collect, compile, analyse, disseminate and publish reliable and disaggregated statistical data, and undertake all other related measures necessary to regularly assess the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action;

102. *Requests* States, with the assistance of OHCHR, to develop a system of data collection, including equal-opportunity and non-discrimination indicators 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;

103. *Urges* States to establish national programmes that facilitate the access of all to basic social services without discrimination;

104. *Reaffirms* that the eradication of racism, racial prejudice and xenophobia should aim not only at promoting equality and eliminating discrimination but also at promoting interaction among ethnic, cultural and religious communities;[\*\*]

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

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

107. *Calls upon* States to implement cultural rights through the promotion of intercultural and inter-religious dialogue and cooperation at all levels, especially at the local and grass-roots levels;

108. *Urges* States to encourage political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society;

109. *Urges* States to improve democratic institutions, to increase participation, and to avoid marginalization, exclusion of and discrimination against specific sectors of society, for instance by accepting electoral-support proposals;

110. *Encourages* Parliaments to regularly address the issue of racism and discrimination, with a view to consolidating their legislation, including anti-discrimination legislation, and to enhance policies to fight racism, racial discrimination, xenophobia and related intolerance;

111. *Encourages* States to adopt strategies, programmes and policies, including, inter alia, affirmative or positive actions and strategies or measures, to enable the victims of racism, racial discrimination, xenophobia and related intolerance to fully realize their civil, cultural, economic, political, and social rights, including through improved access to political, judicial and administrative institutions, and to grant them greater opportunity to participate fully in all spheres of life of the societies in which they live;

112. *Urges* all States that have not developed and/or implemented national action plans to combat racism, racial discrimination, xenophobia and related intolerance to elaborate such plans and monitor their implementation in consultation with relevant stakeholders, including in particular national human rights institutions and civil society;

113. *Calls on* States that have not yet done so to establish national institutions for the promotion and protection of human rights in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles, and to ensure that such institutions have focal points on racism, racial discrimination, xenophobia and related intolerance, as well as the capacity to contribute to effective remedies to victims;

114. *Calls on* States that have not yet done so to establish and equip specialized 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;

115. *Requests* all States to protect human rights defenders, in particular those working on racism, racial discrimination, xenophobia and related intolerance, to lift any impediments to their effective functioning which are inconsistent with international human rights standards and norms, and to allow them to work freely for the promotion and protection of human rights; [first and last part \*\*\*]

116. *Invites* States to provide and, where appropriate, to increase funding for civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance;[\*\*]

117. *Recognizes* the valuable role played by regional organizations, institutions and initiatives in the struggle against racism, racial discrimination, xenophobia and related intolerance, including through their complaint mechanisms, and encourages the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent, combat and eradicate these scourges;

118. *Recommends* that States, regional and international organizations establish independent bodies, where they do not already exist, to receive complaints from victims of racism, racial discrimination, xenophobia and related intolerance regarding discrimination in housing, education, health, employment, or access hereto, as well as other human rights;

119. *Commends* media organizations that have elaborated voluntary ethical codes of conduct aimed at, inter alia, meeting the goals defined in paragraph 144 of the Durban Programme of Action, and encourages consultations among media professionals through relevant associations and organizations at the national, regional and international levels, with the assistance of OHCHR, with a view to exchanging views on this subject and sharing best practices, taking into account the independence of the media and international human rights standards and norms;

### **Action at the international level**

120. *Re-emphasizes the importance* of enhancing international cooperation to achieve the goals identified in the Durban Declaration and Programme of Action with a view to combating, preventing and eradicating racism, racial discrimination, xenophobia and related intolerance;

121. *Encourages* States to include in their national reports to the universal periodic review mechanism of the Human Rights Council information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance;[\*\*]

122. *Invites* the Human Rights Council, its special procedures and mechanisms, as well as relevant treaty bodies, within their respective mandates, to take into account the Durban Declaration and Programme of Action and the outcome of the Review Conference;

123. *Recommends* that the Human Rights Council ensure synergy in the work of the follow-up mechanisms established by the Declaration and Programme of Action under the auspices of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, with a view to improving the effectiveness of the follow-up mechanisms; and, in connection herewith recommends that the Working Group of Experts on People of African Descent focus on undertaking field visits and report to the Intergovernmental Working Group, and that the Independent Eminent Experts provide their individual expert advice upon request of the Intergovernmental Working Group or the High Commissioner for Human Rights;

124. *Requests* the Human Rights Council to continue promoting intercultural and inter-religious dialogue with enhanced participation of all stakeholders, including from the grass-roots level;

125. *Invites* all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism and racial discrimination;[\*\*]

126. *Invites* the Fédération Internationale de Football Association, in connection with the 2010 football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the High Commissioner for Human Rights in her capacity as



Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;[\*\*]

**Action by the Office of the High Commissioner for Human Rights and the United Nations system**

127. *Invites* the High Commissioner for Human Rights to further increase awareness of the struggle against racism, racial discrimination, xenophobia and related intolerance, including the awareness of the relevant mechanisms and bodies, through the appropriate activities and programmes of her Office;

128. *Reiterates its call* on OHCHR to continue its efforts to increase awareness and support for the work of the Committee on the Elimination of Racial Discrimination, as part of the overall endeavour to strengthen the work of the treaty bodies;

129. *Encourages* OHCHR to continue to provide guidance and support to the mechanisms of the Human Rights Council to monitor the implementation of the Durban Declaration and Programme of Action;[\*\*\*]

130. *Invites* the High Commissioner for Human Rights to fully implement the mandate given to OHCHR in the Durban Declaration and Programme of Action, and in particular to collect and disseminate data and best practices from around the world, including national action plans and legislation to combat racism, racial discrimination, xenophobia and related intolerance;[\*\*\*]

131. *Welcomes* the proposal of the High Commissioner for Human Rights and recommends the establishment of a United Nations observatory on racism, with a view to, inter alia, improving the gathering, analysis and dissemination of information, in collaboration with relevant national, regional and international bodies;

132. *Invites* OHCHR, in cooperation with regional stakeholders in all parts of the world, to organize a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, as stipulated in article 20 of the International Covenant on Civil and Political Rights, in order to arrive at a comprehensive picture of the implementation of the prohibition of incitement with a view to remedying any possible substantive or implementation gaps;

133. *Encourages* OHCHR to intensify its collaboration with international and regional bodies dealing with the fight against racism and racial discrimination;[\*\*]

134. *Welcomes* the intention of the High Commissioner for Human Rights to lead in mainstreaming the implementation of the Durban Declaration and Programme of Action into the activities of all relevant parts of the United Nations and, in this regard, takes note with appreciation of the intention of the High Commissioner to make its implementation a standing agenda item in her high-level consultations with United Nations partners, to be followed up at

the working level by an inter-agency task force, working in collaboration with the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action;

135. *Emphasizes the need* for the relevant United Nations bodies and specialized agencies to provide, within the mainstreaming of the implementation of the Declaration and Programme of Action, targeted technical cooperation to enhance its effective implementation, and in this context encourages States to seek assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

136. *Requests* the Secretary-General to provide OHCHR with adequate resources to continue to implement the Durban Declaration and Programme of Action and to implement the outcome of the Review Conference in full, including by strengthening its Anti-Discrimination Unit with a view to, inter alia, increasing national capacity to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance through the provision of targeted technical assistance, upon request;

137. *Encourages* Member States to increase their voluntary contributions to OHCHR to enhance its capacity to ensure the effective implementation of the Durban Declaration and Programme of Action at the national level;

138. *Calls on* OHCHR to continue to support States, at their request, in the process of establishing and strengthening national human rights institutions in compliance with the Paris Principles, and in implementing national plans of action against racism, racial discrimination, xenophobia and related intolerance;[\*\*\*]

139. *Calls on* Member States to contribute to the Trust Fund for the Programme of the Decade to Combat Racism and Racial Discrimination for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, and invites States to contribute to that fund;

140. *Encourages* the United Nations Educational, Scientific and Cultural Organization to pursue its work aimed at mobilizing municipal authorities and local governments against racism, racial discrimination, xenophobia and related intolerance, particularly through its Coalition of Cities against Racism and Discrimination initiative;[\*\*]

141. *Calls on* the United Nations system, in particular the Department of Public Information of the Secretariat, to undertake effective media campaigns to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow-up mechanisms.

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