



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



**World Conference against Racism, Racial Discrimination, Xenophobia
and Related Intolerance and the comprehensive implementation of
and follow-up to the Durban Declaration and Programme of Action**

Commission on Human Rights resolution 2003/30

The Commission on Human Rights,

Recalling all its previous resolutions and those of the General Assembly on this subject, in particular its resolution 2002/68 and General Assembly resolution 57/195,

Reaffirming the views of the World Conference on Human Rights, held at Vienna in 1993, on the urgency of eliminating denials and violations of human rights,

Convinced that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance made an important contribution to achieving the goal of eradicating racism, racial discrimination, xenophobia and related intolerance and that the results of the Conference have to be fully implemented without delay through effective action,

Recognizing that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth or other status,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the successful implementation of the Programme of Action requires political will and adequate funding at the national, regional and international levels and international cooperation,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Emphasizing 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,

Welcoming the outcomes of the recent sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent contained in documents E/CN.4/2003/20 and E/CN.4/2003/21, respectively,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

I. Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Encourages* Governments to implement and enforce existing legislation, or where it does not exist, to enact, implement and enforce such legislation in consistency with their systems of law to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Urges* all Governments to take all other necessary measures to combat racism, racial discrimination, xenophobia and related intolerance, including new and contemporary forms of racism, through specific measures and programmes, in particular in the legislative, judicial, administrative, educational and information fields;

7. *Urges* all States to review and, when necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

8. *Urges* States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

10. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

11. *Urges* States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II. International Convention on the Elimination of All Forms of Racial Discrimination

12. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

13. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

14. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

15. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the Convention, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of

opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

16. *Welcomes* general recommendation XXVIII, adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination, in which the Committee emphasized the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommended measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III. Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

17. *Welcomes* the report of the inaugural session of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held from 21 to 31 January 2003, in particular its recommendations, contained in document E/CN.4/2003/20, adopted by consensus on 21 March 2003, and calls for the full and effective implementation of these recommendations by all stakeholders;

18. *Requests* the Office of the High Commissioner for Human Rights to pay special attention to the implementation of the recommendations of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

19. *Also requests*, in the above context, the Office of the High Commissioner for Human Rights to submit an analytical report, to the next session of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action assessing the effectiveness of the current regional and international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance and identifying possible areas where complementary international standards might be needed, in order to assist the Working Group to fulfil its mandate of preparing complementary international standards;

20. *Welcomes* the thematic approach to the future sessions of the Working Group, focusing on the critical areas affecting the well-being of the victims of racism, and to this end, notes that the next session of the Working Group will analyse the themes relating to poverty and education;

21. *Also welcomes* progress achieved towards the appointment of the independent eminent experts and acknowledges the level of eminence of the proposed candidates and, bearing in mind the terms of reference entrusted to these experts, as well as the need to keep their mandate under constant review, decides on the following readjustment of their terms of reference:

(a) To follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the United Nations High Commissioner for Human Rights and assist the High Commissioner in preparing his annual progress report to the Commission and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other

mechanisms of the Commission, international, regional and non-governmental organizations and national human rights institutions;

(b) Bearing in mind the recommendations of the Working Group, requests the independent eminent experts to assist the High Commissioner for Human Rights in the assessment and evaluation of the existing international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance with a view to preparing complementary standards;

22. *Decides* that the Working Group shall convene its future sessions for an initial period of three years and encourages the Working Group to work effectively towards the fulfilment of its mandate;

23. *Requests* the Working Group to convene its second session of 10 working days and to focus on areas decided upon in its recommendations, namely, poverty, education and complementary standards, and to report on progress in this regard at the sixtieth session of the Commission on Human Rights;

24. *Welcomes* the report of the Working Group of Experts on People of African Descent, in particular its recommendations contained in document E/CN.4/2003/21, and encourages the continuation of its work, and bearing in mind the existing mandate of this Working Group, decides on the following additional mandates:

- (i) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;
- (ii) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action;

25. *Recognizes* in the above context, the importance of reformulating paragraph 8 (d) of its resolution 2002/68 on the mandate of the Working Group of Experts on People of African Descent as follows:

(a) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

- (i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;
- (ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
- (iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

26. *Decides* that the Working Group of Experts on People of African Descent shall convene its future sessions for an initial period of three years and encourages the Working Group to work effectively towards the fulfilment of its mandate, and also requests the Working Group to convene its second session of 10 working days and to report on progress in the elaboration of its mandate at the sixtieth session of the Commission on Human Rights;

27. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

28. *Also emphasizes*, in that context, the fundamental and complementary role of the national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

29. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Invites* States to assist the Office of the High Commissioner for Human Rights in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance, and when necessary and appropriate, to assist States in enhancing the development and implementation of their national action plans to combat racism, racial discrimination, xenophobia and related intolerance;

31. *Urges* States to support the activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist;

32. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

33. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Durban Declaration and Programme of Action;

34. *Acknowledges with appreciation* the upcoming entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003 and invites all States that have not yet done so to consider acceding to this important instrument;

35. *Notes with satisfaction* the progress made during the first session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity

of Persons with Disabilities, held in New York from 29 July to 9 August 2002, and invites States, intergovernmental and non-governmental organizations, human rights treaty bodies and mechanisms, as well as independent experts with an interest in this matter and national disability and human rights institutions to contribute to the work of the Ad Hoc Committee;

36. *Reaffirms* that the Commission on Human Rights has a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system;

37. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

IV. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

38. *Recalls* the proclamation by the General Assembly in its resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993 and will end in 2003;

39. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

40. *Recommends* that the General Assembly, after considering the analytical report of the Secretary-General on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination to be submitted pursuant to Assembly resolution 57/195, consider the closure of the Third Decade;

41. *Also recommends* that the General Assembly, in the coming decade of activities to combat racism, racial discrimination, xenophobia and related intolerance, place emphasis on the concrete implementation of the Durban Declaration and Programme of Action on the basis of a broad-based consensus on the importance of the anti-discrimination struggle worldwide;

V. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

42. *Welcomes with satisfaction* the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, contained in documents E/CN.4/2003/23 and E/CN.4/2003/24 and encourages the continuation of his work;

43. *Reiterates* its call to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

44. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

45. *Calls upon* Governments which have not yet issued standing invitations to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate fully and effectively;

46. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur;

47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

48. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

VI. GENERAL

49. *Decides* to consider this matter at its sixtieth session under the sub-item entitled “Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.

*57th meeting
23 April 2003*

[Adopted by a recorded vote of 38 to 1, with 13 abstentions.
See chap. VI. - E/CN.4/2003/L.11/Add.4]