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DRAFT

**REPORT OF THE INTERSESSIONAL OPEN-ENDED  
INTERGOVERNMENTAL WORKING GROUP TO FOLLOW UP THE  
WORK OF THE PREPARATORY COMMITTEE**

**Chairperson-Rapporteur: Mr. Zohrab Mnatsakanian (Armenia)**

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## Introduction

1. In its decision PC.2/4 of 22 April 2008, the Preparatory Committee, recalling its decisions PC.1/10 (c) and PC.1/15 of 31 August 2007, decided to establish an intersessional open-ended intergovernmental working group with the mandate to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee. The Preparatory Committee further decided that the working group would hold two sessions, of one week each.
2. On 25 April 2008, the Preparatory Committee designated Mr. Zohrab Mnatsakanian, Ambassador of Armenia and Vice-Chairman of the Preparatory Committee, to the post of the Chairperson of the intersessional open-ended intergovernmental working group (hereinafter: working group).
3. The first session of the working group was held from 26 to 28 May 2008, and its second session was convened on 5 and 29 September 2008. The working group held in total five plenary meetings.

### I. ORGANIZATION OF THE SESSION

#### A. Opening of the session

4. The first session of the working group was opened on 26 May 2008 by Mr. Ibrahim Wani, Chief a.i. Rule of Law, Equality and Non-Discrimination Branch of the Office of the United Nations High Commissioner for Human Rights.

#### B. Organization of work and adoption of the agenda

5. At the same meeting, on 26 May 2008, Mr. Mnatsakanian was formally elected as Chairperson-Rapporteur of the working group.
6. At its first session, the working group had before it a document containing the provisional agenda prepared by the Secretary-General and the annotations thereto (A/CONF.211/PC/WG.1/1). On 26 May 2008, the agenda was adopted by the working group (see annex I). At its second session, the working group had before it the agenda as adopted at the first session of the working group, with the annotations that have been updated to reflect the latest developments (A/CONF.211/PC/WG.1/2).
7. At its first session, the working group decided to establish an informal "Group of friends of the Chair" to meet during the intersessional period. Each regional group was subsequently invited to nominate up to five representatives to serve as members of this informal group. The composition of the group which held several meetings in the period from June to August 2008 is as follows: Argentina, Azerbaijan, Belgium, Brazil, Chile, China, Czech Republic, Egypt, Ethiopia, France, Greece, India, Islamic Republic of Iran, Latvia, Mexico, Nigeria, Pakistan, Russian Federation, Senegal, Slovenia, South Africa, Sri Lanka, Switzerland, Uruguay and Turkey.

#### C. Attendance

8. The list of attendance is contained in annex II.

#### D. Documentation

9. For the list of documents issued for the working group, see annex III.

### II. IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.2/4 OF 22 APRIL 2008 ENTITLED "ESTABLISHMENT AND DATES OF THE INTERSESSIONAL OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP".

#### A. First session of the working group

10. At the first meeting of the working group, on 26 May 2008, the Chairperson-Rapporteur made a statement. In the general discussion that followed, statements were made by Egypt, Liechtenstein, Germany, Slovenia, Mexico, Belgium, Senegal, India, Greece, Russian Federation, Bangladesh, China, Pakistan, Argentina, Ecuador and Algeria. A statement was also made by a non-governmental organization Indian Movement Tupaj Amaru.

11. At its second meeting, on 27 May 2008, the working group had before it a "non-paper" submitted by the Chairperson-Rapporteur, which contained an inventory of issues listed following the structure of the draft outcome document of the Durban Review Conference as adopted by the Preparatory Committee in its decision PC.2/8. Following an explanatory statement by the Chairperson-Rapporteur, statements were made by Egypt, Slovenia (on behalf of the European Union), Mexico, India, Argentina, Liechtenstein, Morocco, Belgium, Bangladesh, Thailand, Bosnia and Herzegovina, Republic of Korea. Statements were also made by the following non-governmental organizations: Indigenous Peoples and Nations Coalition, Afro-American Space, Indian Movement Tupaj Amaru, Afro-Swedish National Association/Centre against Racism.

12. At its third meeting, on 28 May 2008, the working group agreed with the proposal of its Chairperson-Rapporteur for the establishment of an informal "Group of friends of the Chair" to meet during the intersessional period in order to facilitate the work of the working group at its second session (see also para. 7 above). The working group also decided to convene its second session between 1 and 5 September 2008. Statements were made by Algeria, Egypt, Greece, Mexico, Azerbaijan, Russian Federation, Slovenia, India, Belgium, Argentina. Statements were also made by the following non-governmental organizations: International Movement against All Forms of Racial Discrimination, Indian Movement Tupaj Amaru.

#### B. Second session of the working group

13. At its fourth meeting, on 5 September 2008, the working group had before it a working document submitted by the Chairperson-Rapporteur, entitled "Certain indicative elements in relation to the outcome document" (A/CONF.211/PC/WG.1/CRP.2). Following an introductory statement by the Chairperson-Rapporteur, statements were made by India, Argentina, South Africa, France, Greece, Brazil, Senegal, Egypt, Switzerland, Guatemala, Pakistan, Algeria,

Chile, Bolivia, Sri Lanka, Bangladesh, Ethiopia. The working group decided to convene its resumed second session on 29 September 2008.

14. At its fifth meeting, on 29 September 2008, the working group had before it, as part of the draft report of the working group to the Preparatory Committee, an explanatory memorandum from the Chairperson-Rapporteur and a set of draft recommendations with regard to the modalities of organization of work and negotiations on the draft outcome document during the second substantive session of the Preparatory Committee. Following a statement by the Chairperson-Rapporteur, statements were made by .....

15. At the same meeting, the working group decided to .....

**III. REPORT OF THE WORKING GROUP TO THE PREPARATORY COMMITTEE FOR THE DURBAN REVIEW CONFERENCE**

16. At its fifth meeting, on 29 September 2009, the working group .....

**ANNEXES****Annex I****AGENDA**

1. Opening of the session.
2. Election of Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Implementation of the mandate of the working group as contained in Preparatory Committee decision PC.2/4 of 22 April 2008 entitled "Establishment and dates of the intersessional open-ended intergovernmental working group".
6. Report of the working group to the Preparatory Committee for the Durban Review Conference.

**Annex II****LIST OF ATTENDANCE****States Members of the United Nations**

Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Germany, Greece, Guatemala, Haiti, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

**Non-member States represented as observers**  
.....**Intergovernmental organizations**

African Union, European Union, Organisation internationale de la Francophonie, Organization of the Islamic Conference.

**Non-governmental organizations in consultative status with the Economic and Social Council**

Afro-American Space, Afro-Swedish National Association/Centre against Racism, Indian Movement Tupaj Amaru, Indigenous Peoples and Nations Coalition, International Movement against All Forms of Racial Discrimination.



## Annex III

## LIST OF DOCUMENTS

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/CONF.211/PC/WG.1/1	3	Provisional agenda and annotations
A/CONF.211/PC/WG.1/2	3	Agenda and annotations
A/CONF.211/PC/WG.1/5	5	Joint contribution by special procedures mandate holders

*Documents issued in the limited series*

A/CONF.211/PC/WG.1/CRP.1 and Add.1	5	Note by the Secretariat containing a summary of additional contributions by States
A/CONF.211/PC/WG.1/CRP.2	5	Working document submitted by the Chairperson-Rapporteur

## Annex IV

**EXPLANATORY MEMORANDUM BY THE CHAIRPERSON-  
RAPPORTEUR OF THE INTERSESSIONAL OPEN-ENDED  
INTERGOVERNMENTAL WORKING GROUP ADDRESSED TO THE  
PREPARATORY COMMITTEE ON BEHALF OF THE WORKING GROUP**

In its decision PC.2/4, the Preparatory Committee decided to establish this intersessional open-ended intergovernmental working group and mandated it "to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee". The Preparatory Committee also designated me to the post of the Chairperson of this intergovernmental working group. Below are some details and explanations on how the mandate entrusted to me was implemented as well as some recommendations which I am addressing to the Preparatory Committee on behalf of the working group.

1. Following the May session of the intersessional working group (ISWG) and its decision to establish an informal Group of the Friends of the Chair composed of representatives of 25 States, nominated equitably by the five regional groups, I have been working throughout the subsequent months and in close consultations with the Group of the Friends on further review of the contributions submitted by various stakeholders, which were available during the period of work of the ISWG.
2. As a result, and having in mind the mandate of the working group, we attempted to establish a working document in which the contributions received are adjusted to the agreed structure of the outcome document as contained in decision PC.2/8 of the Preparatory Committee and subsequently to bring such contributions closer to a text that could later serve for negotiations. In doing so, we also had in mind the fact that according to decision PC.2/8, the outcome document will consist of a declaratory part and an action-oriented part.
3. We were able to process all such contributions as submitted by various stakeholders into a text appropriate for an outcome document format, specifically covering sections I to IV of the structure of the document. Several versions of this text have been before the Group of Friends, and it was then submitted to the ISWG in September as a working paper by the Chair, entitled "Certain indicative elements in relation to the outcome document".
4. This document, which is now forwarded to the Preparatory Committee as reproduced below, should not be considered as a negotiated one, though it contains a considerable number of necessary ingredients drawn from the available contributions at the time, which may be chosen to serve as a basis for negotiations.

5. We also have in mind and support proposals that imply a shorter political text for the declaratory part of the outcome document, which in substance might be linked to part V of the document. However, textual proposals for these parts of the text would require different modalities of work. Some of them are addressed in the recommendations on the organization of future work as contained in annex V below.
6. We also have in mind the continuous flow of further contributions from various sources, which will be used in the actual negotiations of the outcome document. Most specifically, following the regional preparatory meetings that have taken place during this summer and their outcome documents, as well as any other already submitted or forthcoming regional and other contributions, there will be an opportunity to hear and receive from representatives of such regional and other groups their textual proposals to be incorporated in the future outcome document.
7. However, bearing in mind that the character of the "Indicative elements" text is significantly different from the regional outcome documents which are the results of political negotiations, it appeared neither appropriate nor feasible at this stage to attempt to incorporate those negotiated regional outcomes into the working paper which is limited to contain only "certain indicative elements" of the future outcome document.
8. While some assistance in this regard was offered by the representatives of the GRULAG and the African Group, the Chair refrained from editing the proposed parts of the outcome documents of their respective regional conferences into the streamlined text of his working paper in order not to prejudice the subsequent negotiations of the consolidated text of the future outcome document.
9. Thus, further contributions that were submitted as outcomes of two regional conferences held in Latin America and in Africa, as well as a written contribution by the OIC Group in Geneva will be presented to the second substantive session of the Preparatory Committee\* at face value for further negotiations with a view to incorporating them into a consolidated outcome document of the Review Conference. For ease of reference, those texts are also reproduced in annexes VI to VIII below.

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\* Will be issued as documents A/CONF.211/PC.3/3, A/CONF.211/PC.3/4 and A/CONF.211/PC.3/10, respectively.

**CERTAIN INDICATIVE ELEMENTS IN RELATION  
TO THE OUTCOME DOCUMENT  
(Working paper)**

**I. Review of progress and assessment of implementation of the DDPA 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

- *Language of DPA*

1. The Durban Programme of Action (DPA) urges States to eradicate poverty and end enslavement and contemporary forms of slavery-like practices.

- *Progress and achievements*

2. **Poverty** is a key source of racism and the importance of addressing the problem as a way of promoting the values of equality and non-discrimination has been highlighted since the DPA was adopted. Poverty should neither be regarded as an acceptable outcome of socio-economic development nor as a natural condition of certain groups or individuals. States are urged to implement activities conducive to an intercultural dialogue at all levels with a view to including vulnerable groups and individuals in poverty eradication policies and programmes; structural adjustment policies should improve social policies, including by giving priority to programmes designed to combat racism, racial discrimination, xenophobia and related intolerance. To this end, international financial institutions need to understand and acknowledge the importance of integration of aspects of discrimination based on racism, racial discrimination, xenophobia or related intolerance in their poverty and social impact assessments.

3. Considerable work has been done by the Working Group on Contemporary Forms of **Slavery**. Despite its limited resources, it has managed to monitor the application of the 1926 & 1956 Slavery Conventions, annually review situations in many parts of the world based on specific themes, as well as to submit recommendations at the national and international levels. The recent appointment of a Special Rapporteur on contemporary forms of slavery will help to further deepen and highlight the slavery

and slavery like practices. In addition to taking forward some of the responsibilities of the Working Group on Contemporary Forms of Slavery, the Special Rapporteur will be able to: issue annual thematic reports to the Human Rights Council; conduct about two country visits a year to conduct situation analysis and collect information on best practice; be in continuous dialogue with Governments with regard to human rights violations; create more awareness about slavery and slavery like practices at the national, regional and international level; make concrete practical and policy recommendations that prevent slavery and protect those who are in slavery like circumstances; and regularly monitor human rights violations that pertain to contemporary forms of slavery.

- *Challenges and obstacles*

4. **Poverty** frequently originates from discriminatory practices both overt and covert. Recognizing this linkage implies acknowledging that policies designed to eliminate poverty must address the specific obstacles faced by victims of racial discrimination. Changing social attitudes and removing institutional obstacles that sustain discriminative patterns must be considered central objectives for the effective elimination of poverty. It is considered that the devastating effects of the combination of poverty and racial discrimination are still practically hidden due to poor data collection on the situation of marginalized populations.

5. Contemporary forms of slavery are still prevalent today across the globe. Indeed, the majority of cases of slavery or slavery like practices, including child labour, occur where there is deep seated racism, racial discrimination, xenophobia or related intolerance caused as a result of historical, cultural, religious or economic interactions between groups or individuals.

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

- *Language of DPA*

6. The DPA identifies certain groups of victims of racism, racial discrimination, xenophobia and related intolerance. The victims specifically named in the DPA are victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS, Africans and people of African descent, indigenous peoples, migrants, refugees, as well as other victims, including victims of trafficking, Roma/Gypsy/Sinti/Travellers, people of Asian descent, persons belonging to national or ethnic, religious and linguistic minorities, women and girls who are victims of racism, children and persons with disabilities. The DPA recommends that States take concrete actions to ensure the eradication of discrimination against all these categories of victims.

- *Progress and achievements*

7. In addition to the adoption of mechanisms, policies and legislation aimed at protecting the rights of groups of victims named in the DPA by numerous States and regional organizations since the adoption of the DDPA, progress and achievements have also taken place at the international level.

8. Regarding the meaning and scope of the definition of racial discrimination, **CERD** has further clarified the concept of racial discrimination through its concluding observations as well as in General Recommendations 29, 30 and 31 on descent, discrimination against non-citizens and on the prevention of racial discrimination in the administration and functioning of the criminal justice system. It has also made important steps forward by addressing discrimination affecting the most disadvantaged groups, inter alia, Roma, indigenous peoples, migrant workers – including undocumented migrants – asylum seekers and refugees.

9. [Victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS]

10. Following the Durban Conference, a Working Group on **People of African Descent** was established and has held meetings regularly, thereby bringing the plight of this group of victims to the international stage.

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

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

13. Since 2001, the Office of the United Nations High Commissioner for **Refugees** (UNHCR) has implemented its mandate of protection to refugees, assistance to governments in finding durable solutions for them, of prevention and reduction of statelessness and of protection to stateless persons. Different types of activities have been developed in order to continue fulfilling this multi-faceted mandate, such as awareness and information activities, drafting of policy and standard-setting document, activities aimed at developing the capacity of States to receive and protect refugees, support to individuals who are victims of crimes motivated by racism or xenophobia.

14. The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on **trafficking** in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions.

15. On **Roma/Gypsies/Sinti/Travellers**, CERD has, where relevant and in accordance to its General Recommendation 27, consistently addressed these issues through its concluding observations and opinions on individual communications.

16. [People of Asian descent] language to be developed

17. On national or ethnic, religious and linguistic **minorities**, an Independent expert on minority issues was appointed by the Commission on Human Rights in 2001 in order to complement and enhance the work of other UN bodies and mechanisms that address minority rights and issues. In addition, a Forum on minority issues has been recently established in order to replace the Working Group on minorities of the Sub-Commission on the promotion and protection of human rights.

18. [Women and girls who are victims of racism]

19. The Committee on the Rights of the Child issued general comments on: the rights of **children** with disabilities; the treatment of unaccompanied and separated children outside the country of origin; HIV/AIDS and the rights of children. Furthermore, the general comment on general measures of implementation focuses inter alia on non-discrimination. The Secretary-General Study on Violence against Children presented

to the GA in 2006 highlighted how, although all children are exposed to violence, some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable. The need to address discrimination in all its manifestations is addressed in the different recommendations contained in the Study. In its dialogue with States parties from all regions, the Committee has identified, and noted with appreciation, the existence of good practices and positive initiatives, including legislation aimed at prohibiting discrimination against children belonging to marginalized groups, including children with disabilities, children infected or affected by HIV/AIDS, indigenous children and children belonging to national, ethnic, religious and linguistic minorities.

20. With respect to **persons with disabilities**, the Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force on 3 May 2008. In its preamble, the Convention speaks of the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.

- *Obstacles and challenges*

21. There remain important protection gaps despite efforts deployed by governments and regional organizations to protect the victims named in the DPA.

22. [Victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS]

23. [Africans and people of African descent]

24. There remains concern that **indigenous peoples** continue to be targets of racism and discrimination in all parts of the world. Even where legal barriers have been diminished within domestic legislation to allow indigenous peoples greater enjoyment of their human rights, social attitudes continue to reflect racial discrimination. Social indicators reflect the continued presence of indigenous peoples at the bottom of the social strata, with a lack of access to basic services, and frequent denial of rights to lands and resources. Moreover, there are worldwide examples of the exploitation of natural resources by government and private sector entities without adequate acknowledgement of indigenous presence or interests in resources. Furthermore, social exclusion is continually related to manifestations of violence. Indigenous peoples continue to be targets of attacks and abuse, including but not limited to violence against women and children based on racial profiling and ethnic affiliation.



25. Manifestations of racism, discrimination and xenophobia against **migrants** in both the public and the private spheres are still frequent. In many countries, immigrants bear the brunt of racist or xenophobic backlashes. For instance, campaigns conducted in some political quarters and the media in some countries criminalize immigration by making a direct link between immigration and high crime rates. Political rhetoric and information of this nature can promote xenophobic stereotypes and racist sentiment. In addition, despite the international standards designed to offer protection to all individuals, attention should be drawn at the increasing criminalization of irregular migration and the abuses of migrants during all phases of the migration process. This criminalization is linked in many countries to persistent anti-migrant sentiments, which is often reflected in policies and institutional frameworks designed to manage migratory flows, often in a purely restrictive manner. There remain concern with regard to criminal justice practices used by States to combat irregular migration, including greater criminalization of migration offences (as opposed to treating them as an administrative offence) and cross-national collaboration by police and other authorities, which have in certain cases resulted in increased violations against migrants.

26. Challenges and concerns relating to **refugees**, asylum seekers and displaced persons, as highlighted by the DPA, are as valid today as they were in 2001. Indeed, expressions of racism and xenophobia have been identified as major root causes of human displacement; they create obstacles for asylum-seekers to gain admission to safety and asylum procedures and protection against *refoulement*; for persons of a certain race, colour, descent, or national or ethnic origin to acquire and/or retain a nationality; for refugees and internally displaced persons in finding quality protection in their places of displacement; and for refugees in finding durable solutions, in the form of sustainable return and reintegration in places of origin, successful local integration in countries of asylum, or resettlement in third countries. The situation of stateless persons is also particularly fragile in many aspects. If racial prejudices and xenophobic attitudes are widespread in a given society, one can assume with great probability that they will adversely affect this group of people. Strengthening the protection of stateless persons is, therefore, an important aspect of the struggle against racism, racial discrimination, xenophobia and related intolerance. The plight of undocumented non-citizens and persons who cannot establish the nationality of the State on whose territory they live, even where such persons have lived all their lives on the same territory has also been highlighted by CERD.

27. The problem of **trafficking** persists in many places. Every year, millions of human beings are tricked, sold, forced or otherwise coerced into situations of exploitation from which they cannot escape. They are the commodities of a transnational criminal industry which generates billions of dollars and operates with virtual impunity, due to inefficient law enforcement, compounded, in many cases, by official corruption and complicity. The pool of potential victims in every part of the world is expanding due to widespread inequalities, lack of employment opportunities, insecurity of food and livelihoods, violence, conflict, discrimination and poverty. The partners (including OHCHR, ILO, UNICEF, IOM, UNODC and OSCE) in the UN Global Initiative to Fight Human Trafficking have endeavored to raise alarm bells and mobilize actions to counter trafficking of human beings, and there have been encouraging developments at the national, regional and international levels.

However, little has changed for those caught up in this sordid trade. Attempts to deal with the human consequences of trafficking have been largely ineffective. Some anti-trafficking efforts have even been harmful to the very ones they aimed to protect, as victims of trafficking become "collateral damage" in law enforcement. A human rights-based approach to trafficking demands that steps be taken to ensure that laws, policies and procedures are in place to prevent, monitor and redress such "collateral damage".

28. [Roma/Gypsies/Sinti/Travellers, including children & youth]

29. [People of Asian descent]

30. The overall vulnerability of national or ethnic, religious and linguistic **minorities** is greater where there is racism, racial discrimination, xenophobia and related intolerance. Many violations of the civil, political, economic, social and cultural rights of persons belonging to minorities have a basis in discrimination, racism and exclusion on the grounds of the ethnic, religious, national, or racial characteristics of the minority group. There remain concern at the number of violations of human rights that display discrimination, racism or xenophobia against a minority group and its members. Minorities in all regions of the world continue to face exclusion, serious threats, discrimination and racism. Furthermore, individuals within ethnic, religious, linguistic or national minority groups can experience multiple forms of discrimination because of other factors. This means that individuals within minority communities who are already struggling against intolerable levels of generalized exclusion can also face compounded forms of discrimination or violence based on their gender, personal identity or expression. Greater consideration should therefore be given to the compounded and often negatively reinforcing nature of multiple forms of exclusion or discrimination of members of minority communities.

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

the adoption of the DDPA, credible allegations of racially motivated violence against women, including indigenous and migrant women, in different regions of the world are still received by the Special Rapporteur on violence against women.

32. **Double or multiple forms of discrimination** is said to increasingly affect some individuals and groups. In this regard, CERD has had numerous occasions to address this issue, in particular on the ground of gender and race and on the ground of race and religion and has for instance reminded that all persons should enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin.

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

34. [Persons with disabilities]

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

- *Language of DPA*

35. The DPA deals with measures of prevention, education and protection. At the **national level**, the DPA urge legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance. At the **international level**, the DPA urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of, and respect for, cultural diversity and universal human rights.

- *Progress and achievements*

Measures at the international and regional levels

**36. Drafting of regional instruments against racism:** Following the 2001 adoption of the DPA, some regions have started to draft regional conventions against racism and various forms of discrimination. For example, the General Assembly of the Organization of American States (OAS) established a Working Group to prepare a draft for an *Inter-American Convention against racism and all forms of discrimination and intolerance*. In Europe, although the adoption of the *Directive 2000/43/EC on equal treatment on grounds of race and ethnic origin* preceded the 2001 adoption of the DPA, its implementation was particularly strengthened thereafter. In 2007, the European Union adopted a *Framework on combating certain forms and expressions of racism and xenophobia by means of criminal law*, which aims at approximating criminal law provisions and at combating racist and xenophobic offences more effectively by promoting a full and effective judicial cooperation between Member States. In Africa, the African Commission on Human and Peoples' Rights has promoted a number of legislative initiatives, including the drafting of the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. In the Asia and Pacific region, the establishment of a Human Rights Commission by the ASEAN Charter represents additional protection for victims of racism and racial discrimination.

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

**38. School curricula:** The DPA urges States to introduce and, as applicable, to reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula, to develop and improve relevant educational material, including history and other textbooks, and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns, based on the principles of non-discrimination, mutual respect and tolerance. Two months after the adoption of the DPA, an *International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination* was held in Madrid. Based on the concept that education, in particular at school, should contribute in a meaningful way to promote tolerance and respect for the freedom of religion or belief, the Final Document of the Madrid Conference calls for the strengthening of a non-discriminatory perspective in education and of knowledge in relation to freedom of religion or belief at the appropriate levels.

Following-up to the Madrid Final Document, the Office for Democratic Institutions and Human Rights (ODIHR-OSCE) Advisory Council of Experts on Freedom of Religion or Belief developed in 2007 the *Toledo guiding principles on teaching about religions and beliefs in public schools* which offers practical guidance for preparing curricula for teaching about religions and beliefs, preferred procedures for assuring fairness in the development of curricula and standards for how they could be implemented.

#### Measures at the national level

39. **Recognition of the link between racism and poverty:** one of the central points made in the DPA is the consideration that “inequitable political, economic, cultural and social conditions can breed and foster racism, racial discrimination, xenophobia and related intolerance, which in turn exacerbate the inequity”. Many countries have been marked by the reality of social and economic marginalization of members of racial and ethnic minorities. After the 2001 adoption of the DPA, there has been a gradual recognition among States that the disproportionate impact of poverty on minorities is a key component of structural racism and that racially-conscious measures need to be adopted to tackle this problem.

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

41. **Information, communication and media, including new technologies :** While the DPA “welcomes the positive contribution made by the new information and communications technologies, including the Internet, in combating racism through rapid and wide-reaching communication”, it also “urges States to encourage the media to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance”. While much progress is still needed, particularly in the area of self-regulation and diversity training of media professionals, important actions have taken

place since the 2001. Diversity training for journalists has been promoted as a key preventive measure against negative stereotyping and discrimination. Independent media councils composed of media professionals assessing issues related to racism in the media have also been formed in many countries. In some cases, these councils have been mandated to receive complaints of racism in the media and to advise editors and publishers accordingly. The media has also been effectively used as a means to promote more balanced representation of members of minorities, who have increasing access to high visibility functions in many countries.

- *Obstacles and challenges*

42. While numerous measures of prevention, education and protection were put forward by the DPA in order to eradicate racism, racial discrimination, xenophobia and related intolerance, several obstacles and challenges have prevented their full implementation.

Legislative, judicial, regulatory, administrative and other measures

43. **De jure or de facto profiling** continues to exist in many parts of the world, although there have been some commendable efforts to stamp it out. Misconduct by law enforcement personnel vis-à-vis non citizens and immigrants seems to have risen since 2001. Emphasis has been put on the need for the composition of security corps to reflect the multicultural nature of the society and on the necessity to improve the response of the internal and external control mechanisms to complaints of racist or racially-discriminatory behaviour on the part of the police. Initiatives aimed at training the police forces on tolerance and anti-discrimination have been made in some countries together with activities aimed at encouraging members of national or ethnic, religious and linguistic minorities to participate in the recruitment procedures for law enforcement positions so as to overcome those barriers which might prevent members of minorities from applying or succeeding in police recruitment.

44. The **over-representation of certain racial groups among the prison population and among the persons facing execution** in some countries continues to constitute a concern. Such over-representation can be the result of profiling, racial discrimination in the administration of justice, or of the past or present marginalization of a racial group in the enjoyment of economic and social rights. If there remain concern on this issue, there must also be highlighted that positive measures have been taken by some governments to counteract over-representation of a racial group among the prison population. Finally, concern was expressed on racial inequalities in the imposition of the death sentence.

45. Violations of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief still continue. There remain concern about **religious intolerance and acts of violence against members of certain religious or belief communities**. These include violations of the right of members of religious minorities to worship and carry out other religious activities without State registration or approval, attacks on places of worship, killings, as well

as prosecution and conviction on the grounds of religion or belief leading to arbitrary deprivation of liberty. Women, individuals deprived of liberty, asylum seekers, refugees, children, minorities and migrant workers are being particularly vulnerable to violations of their right to freedom of religion or belief.

46. [Impunity for perpetrators of racist acts]

47. [Lack of progress in establishing national institutions mandated to fight racism and in drafting and implementing national action plans against racism]

#### Policies and practices

48. [Lack of disaggregated data on racial groups]

49. Poorest communities in almost any region tend to be minority communities that have been the targets of longstanding discrimination, violence or exclusion. Poverty within minority communities is both a cause and a manifestation of the depletion of rights suffered by members of minority communities. Poverty in this context involves more than just a lack of income or a daily struggle for basic sustenance. Members of poor communities are generally less able to participate effectively in political decision-making or to access mechanisms of justice. Furthermore, they suffer from unequal access to land, education, employment and health care. Efforts to reduce poverty are essential to larger efforts to promote the full range of civil, political, social, economic and cultural rights for minority communities.

50. There remain concern about the high incidence of **political programmes** based on ideas of racism, racial discrimination, xenophobia and related intolerance. Political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination shall be condemned. Racism and xenophobia based ideas are gaining ground in the political arena and are found in the platforms of political parties in all regions of the world. In some countries, parties are gaining increasing access to mainstream politics by dressing up policies, which are essentially based on racist and xenophobic prejudices, in the less controversial and less direct language of cultural difference. Some of these parties are gaining access to government by acting as junior members of governing coalitions together with traditional mainstream parties. The impact these parties are having on the overall political agenda is also alarming, and an increasing number of parties are now resorting to policies that negatively target immigrants, minorities, asylum seekers and refugees.

#### Education and awareness-raising measures

51. There continue to be flaws relating to human rights education, including on the issue of continued prejudices carried in textbooks.

Information, communication and the media, including new technologies

52. **The role of the media in the fight against racism:** While the media reports on racist incidents in public life, it has to do it in a balanced manner, so as to avoid negative stereotyping of specific groups and avoid contributing to the increase of tensions in inter-community relations. Hence, it should be ensured that in the media racist terms or derogatory stereotypes are not used and that there are no unnecessary references to a person's race, religion or related attributes. Media professionals, as well as the public at large, should be conscious of the potential impact that the ideas they express may have in raising cultural and religious sensitivities. The dissemination of intolerant and discriminatory opinions ultimately promotes discord and conflict and is not conducive to the promotion of human rights.

53. **Racism and the internet:** The emergence of international communication networks (i.e. Internet) provide certain persons with modern and powerful means to support racism and xenophobia and enables them to disseminate easily and widely expressions containing such ideas. Its potential for use by people with racist motives is significantly high. As a consequence, the DPA "urges States to implement legal sanctions, in accordance with relevant international human rights law, in respect of incitement to racial hatred through new information and communication technologies, including the Internet". Relevant international human rights law include article 19 (3) and 20 of the ICCPR. According to article 19 (3), freedom of expression may be subject to restrictions provided by law and necessary for respect of the rights or reputations of others, the promotion of national security or public order, or of public health or morals. Further to article 20 (2) of the ICCPR, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. The Human Rights Committee confirms that the measures contemplated by article 20 (2) of the ICCPR constitute important safeguards against infringement on the right of religious minorities and of other religious groups. It has been emphasized that legal restrictions on freedom of expression alone have historically proved ineffective to bring about real changes in mindsets, perceptions and discourse. To tackle the root causes of racism, further efforts are required, for example in terms of intercultural dialogue or education for tolerance and diversity.

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

- *Language of DPA*

54. The DPA urges States to ensure that victims of racism have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek from competent national tribunals and other national institutions just and adequate reparation or satisfaction for damage from acts of racism, as well as legal assistance. States are also urged to ensure the protection against victimization of complainants and witnesses of acts of racism.



- *Progress and achievements*

55. [Legal Assistance]

National legislation and programmes

56. Of those States who responded to the questionnaire concerning the Durban review process, most of them reported on the existence of legal provisions addressing the issue of discrimination on the grounds of race or ethnic origin and punishing racist acts. Some regional organizations also informed of the adoption of common standards across their member States (i.e. for the European Union, the *Racial Equality Directive and Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law*).

57. [Remedies, reparations, compensation]

- *Obstacles and challenges*

58. [Legal Assistance]

National legislation and programmes

59. CERD considers that the risks of discrimination in the administration and functioning of the criminal justice system have increased in recent years, partly as a result of the rise in immigration and population movements, which have prompted prejudice and feelings of xenophobia or intolerance among certain sections of the population and certain law enforcement officials, and partly as a result of the security policies and anti-terrorism measures adopted by many States.

60. With regard to the issue of difficulties encountered in accessing to justice, including specific barriers related to discriminative practices, it is useful to recall that the concept of access to justice does not only refer to the possibility of defending a case before a tribunal, but also includes the analysis of the whole system of administration of justice and the factors that impinge its functioning. It has been observed that the obstacles that impede access the justice system are often connected to discriminative practices affecting specific vulnerable groups, such as indigenous

peoples, refugees, migrants, and stateless persons. These groups face difficulties in accessing justice because of different kinds of barriers, in particular cultural barriers. These groups have difficulties in understanding their rights and what is at stake in a judicial proceeding. Systems of justice are not prepared to overcome these difficulties.

61. [Remedies, reparations, compensation]

*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*

International legal framework

62. *See section 3. on Promotion of the universal ratification and implementation of the ICERD and proper consideration of the recommendations of the CERD.*

General international instruments

63. A Convention on the Rights of Persons with Disabilities and its Optional Protocol have been adopted by the General Assembly and entered into force on 3 May 2008.

Regional/International cooperation

64. [Role of national Parliaments, IPU]

65. [Migrants, Refugees, Victims of Trafficking]

66. [Regional bodies or centres which combat racism, racial discrimination xenophobia and related intolerance / International organizations, financial and development institutions and operational programmes and specialized agencies of the UN]

67. Further to the DPA, a **Group of five independent eminent experts** has been established following the adoption of the DPA and an Anti-Discrimination Unit has also been established within the OHCHR.

Office of the High Commissioner for Human Rights

68. [Goodwill Ambassadors]

69. [Technical cooperation]

70. In 2008, the Human Rights Council reviewed, rationalised and improved the mandate of the **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**. The mandate was extended for

a period of three years and expanded to include, among other things, follow-up to the implementation of all relevant paragraphs of the DDPA and the promotion of the establishment of national, regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance.

71. The Human Rights Council decided in 2006 to create the **Ad Hoc committee on the elaboration of complementary international standards**, an intergovernmental body whose mandate is to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred.

72. [Decades]

### Indigenous Peoples

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

74. [Civil society, including leaders of religious communities, Non-Governmental Organizations, Private sector, Youth]

**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**

- *Language of DPA*

75. Certain paragraphs of the DPA requested the establishment of follow-up mechanisms, such as the Working Group of Experts on People of African descent and the Group of Independent Eminent Experts. Further, the DPA invited the Commission on Human Rights to consider any other appropriate means to follow up on the outcome on the Conference and recommended the preparation of complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

- *Progress and achievements*

76. Three distinct mechanisms came out of the Durban Conference in 2001 with the aim of ensuring the effective implementation of the DDPA, while a fourth was added in 2006 to complement the other three.

**77. Intergovernmental Working Group (IGWG) on the Effective Implementation of the DDPA:** As the first mechanism established, it addressed over the years themes including racism and the internet; racism and poverty; the role of civil society and national human rights institutions in eradicating racism; and existing gaps in the international protection system on racism.

**78. Working Group of Experts on People of African Descent (WGPAD):** As the second mechanism, it has also been very active discussing a range of human rights challenges affecting people of African descent across the world and making recommendations for follow-up action by the Human Rights Council.

**79. Five Independent Eminent Experts:** The third mechanism comprises five eminent persons appointed by the Secretary-General, each representing a world region, which has recommended the development of a racial equality index as a way of assessing the extent to which racism poses a challenge of development in the different countries of the world, among other things.

**80. Ad Hoc Committee on the Elaboration of Complementary International Standards:** In 2006, the Human Rights Council created an intergovernmental body whose role is to “elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred”. The Ad Hoc Committee has taken over the mandate of the development of the complementary standards from the IGWG, leaving the latter to focus on other aspects of its general mandate of ensuring the effective implementation of the DDPA.

81. In general, the Durban follow-up mechanisms made a valuable contribution to the implementation of the DDPA and to the preparations for the review process. A number of States have been of the view that the post-Durban mechanisms are functioning well and should be supported in the form they are for the effective implementation of the DDPA. The Durban follow-up mechanisms have provided the necessary framework for monitoring the problem of overcoming racism and for refining recommendations in an ever-changing context.

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

- *Obstacles and challenges*

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

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

**3. Promotion of the universal ratification and implementation  
of the ICERD and proper consideration of the recommendations of the  
Committee on the Elimination of Racial Discrimination**

- *Language of DPA*

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

- *Progress and Achievements*

86. While the goal of **universal ratification** of ICERD by 31 December 2005 has not been achieved, the number of States parties to the Convention has gone from 158 to 173 between August 2001 and March 2008.

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

- *Obstacles and challenges*

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

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

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

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

91. Despite the encouragements of the Intergovernmental Working Group and calls to States made by CERD in its concluding observations, only 52 States have made the **declaration under article 14** of the Convention.<sup>1</sup> Owing to the relatively small number of declarations made under article 14 ICERD, coupled with a lack of awareness of the mechanism in those States which have made the declaration, the potential of this procedure has not been fully exploited and has impeded the development of CERD jurisprudence.

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

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<sup>1</sup> The number of States which have made the declaration under article 14 of ICERD has gone from 34 in 2001 to 52 in 2008

**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**

*This section intends to give examples of good practices relating to the fight against racism at the institutional, legislative and policy levels. The examples are based on the contributions received in relation to the questionnaire sent out by OHCHR in accordance with decision PC.1/10 adopted on 31 August 2007 by the Preparatory Committee of the Durban Review Conference. Additional practices will be identified by WG members.*

**Institutional**

General

- Democratic and inclusive processes to overcome centuries old racism and racial discrimination, including the establishment of truth and reconciliation mechanisms and schemes aimed at empowering the victims affected by such discrimination
- Setting-up governmental, as well as independent, institutions and agencies at the national and regional levels to combat racism and monitor racist acts and phenomena and the implementation of relevant national legislation
- Giving independent national institutions the competence to deal with individual cases and bring them to the courts and to act as mediators
- Establishing official ministries and institutions with the mandate to promote tolerance and intercultural dialogue
- Follow-up visits by the CERD Coordinator at the invitation of a State party in order to discuss and assess the measures taken by the State party in order to follow up on the Committee's conclusions and recommendations. CERD is of the view that follow-up visits, together with the follow-up reports submitted for consideration, provide the Coordinator with an optimum overview of the steps taken towards the implementation of the recommendations addressed by the Committee to the State party concerned one year earlier.

Regional examples

- Establishment of the EU Fundamental Rights Agency.
- Establishment of an ASEAN human rights body in the ASEAN Charter (2007)
- Establishment of *rapporteurships* in the Americas to focus on issues facing particularly vulnerable social groups

National examples

- Establishing a human rights section within the Directorate of the Internal Police Force (Lebanon)



- Creating an Office for relations with indigenous communities and an Office for relations with afro-descendent communities (Venezuela)

## Legislative

### General

- Developing comprehensive legal frameworks to combat racism, racial discrimination, xenophobia and related intolerance in all spheres, such as equality or equal treatment acts.
- Legislation reforms aimed at strengthening punishments for crimes of racist nature; Devising legislations and policies which are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level, to complement the more general provisions enshrined in national constitutions
- Devising specific laws for confronting the ideologies and practices of extreme right wing groups.

### Regional examples

- European Union: Racial Equality Directive (June 2000), Employment Equality Directive (November 2000), Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (April 2007)
- Council of Europe Additional Protocol to the Convention on Cybercrime *concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems* (into force March 2006). The purpose of this Protocol is twofold: firstly, harmonising substantive criminal law in the fight against racism and xenophobia on the Internet and, secondly, improving international co-operation in this area.
- OSCE Decision No. 566, of 27 November 2003, adopted on the *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*. The Action Plan is intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them.
- Continued recognition of the rights of Afro-descendants through new legislation by states and by regional organizations such as the Organization of American States.

### National examples

- Obligatory teaching on African and Afro-Brazilian history and culture, as well as on indigenous peoples (Brazil)

## Policy

### General

- Issuing formal apologies to victims of historic injustices as a means of achieving healing and reconciliation as well as devising means for collective

compensation. Also commemorating within the UN and beyond the plight of the victims of historic injustices

- Developing affirmative action programmes, including with respect to recruitment for various public/official posts at all levels
- Ensuring public reporting on the implementation of public policies
- Creating funds to support civil society projects to combat racism and racial discrimination, including through training, education and assistance to the victims
- Devising national policies to combat racism, racial discrimination, xenophobia and related intolerance, including through the participatory development of national action plans that should promote cross-sectoral cooperation and coordination
- Promoting increased vigilance by the judiciary of the implementation of existing legal frameworks, including through adequate training
- Investing in education and awareness raising at an early age, including through leisure activities (sport games, youth camps, multicultural festivals) and undertaking a revision of curricula to raise awareness of different cultures and civilizations and in fair and objective perspectives and to promote a culture of human rights and respect for diversity
- Investing in training and education of all public officials
- Disseminating a culture of equality and non-discrimination, including through awareness raising and education at all levels and through the media
- Compiling and developing studies on racial discrimination to generate adequate diagnosis, in close cooperation with civil society and relevant international organizations/agencies
- Developing indicators to measure discrimination, with the assistance of the UN
- Organizing national and regional meetings on issues related to racism, racial discrimination, xenophobia and related intolerance
- Ensuring the possibility of exchanging good practices on a regular basis at the regional level, through meetings or other institutional arrangements
- Conducting broad consultations at the national level, including with civil society, in the implementation of the DPA
- Devising special policies for confronting the ideologies and practices of extreme right wing groups

#### Regional examples

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

#### National examples

- National education campaigns to combat racism

- Manual on teaching of human rights in several languages
- Involving leaders of youth organizations in the elaboration of youth policies
- Anti-racism initiatives in the context of sports events
- Workshops and similar events in educational institutions on the issue of racial discrimination against Roma and Sinti
- Policies of hiring immigrants in public and private spheres
- Establishment of a Roma People's Fund aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Romani people
- Having relevant projects scrutinized by indigenous peoples
  
- Panafrican Festival of Cinema and Television (FESPACO) and the international book festival (Burkina Faso)
- Socio-cultural mediators (Portugal)
- Roma Communities Support Cabinet (Portugal)
- « My school against discrimination » (Portugal)
- Preparation of a "White paper on intercultural dialogue" and reports on "Hate speech" and "Wearing of religious symbols in public areas" by the Committee of Experts for the Development of Human Rights (Council of Europe framework) (Sweden)
- Manual on teaching of human rights in several languages (Armenia)
- Involving leaders of youth organizations in the elaboration of youth policies (Armenia)
- Anti-racism initiatives in the context of sports events (Italy)
- Workshops and similar events in educational institutions on for instance the issue of racial discrimination against Roma and Sinti (Italy)
- Policies of hiring immigrants in public and private spheres (Norway)
- Establishment of a Roma People's Fund which is aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Romani people (Norway)
- Having relevant projects scrutinized by indigenous peoples (IFAD)
- Comprehensive and systematic policies for foreigners who reside in the Republic of Korea through the enactment of the Basic Act on the Treatment of Foreigners in Korea and establishing periodic five-year 'Basis Plans for Policies Regarding Foreigners' (Reply to Q by Republic of Korea)

**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 DDPA and to address challenges and impediments thereto, including in the light of developments since the adoption of the DDPA in 2001**

## Annex V

**RECOMMENDATIONS OF THE INTERSESSIONAL OPEN-ENDED  
INTERGOVERNMENTAL WORKING GROUP WITH REGARD TO  
MODALITIES OF ORGANIZATION OF WORK AND NEGOTIATIONS ON  
THE DRAFT OUTCOME DOCUMENT DURING THE SECOND  
SUBSTANTIVE SESSION OF THE PREPARATORY COMMITTEE**

With the available results of the work of the intersessional working group which was mandated to review contributions and commence negotiations, the working group recommends the following modalities for the continuation of negotiations on the outcome document:

1. Following the opening of the second substantive session of the Preparatory Committee on 6 October 2008 and adoption of its agenda, the Preparatory Committee may wish to immediately commence the process of negotiations on and drafting of the outcome document of the Durban Review Conference, and for that purpose may transform itself into a Drafting Committee.
2. The process of negotiations may be organized through the establishment of two, three or five sub-groups of the Preparatory Committee corresponding respectively to the five elements of the structure of the draft outcome document of the Review Conference as contained in decision PC.2/8 of the Preparatory Committee.
3. Each such sub-group shall be chaired by a facilitator [by one of the Bureau members] to be appointed by the Chairperson of the Preparatory Committee who will lead the discussion and coordinate the work of the sub-group.
4. The meetings of the sub-groups shall be public although the process of negotiations will remain an intergovernmental one.
5. Each of the sub-groups shall be mandated (a) to consider the relevant section(s) of the document submitted by the intersessional open-ended intergovernmental working group entitled "Certain indicative elements in relation to the outcome document" as well as all other pertinent contributions and proposals submitted by regional preparatory meetings, regional groups and other stakeholders, and (b) to produce on this basis a text that would constitute one of the five elements of the action-oriented part of the future draft outcome document.
6. The work of the sub-groups shall be organized in such a way as to avoid, to the extent possible, the holding of parallel meetings that may pose problems for small delegations. To achieve this, the Preparatory Committee shall

allocate two or more half-day meetings to each of the sub-groups to hold their sessions during the period from 7 to 15 October.

7. The results of the work of each negotiating sub-group shall be reported to the plenary of the Preparatory Committee not later than on 16 October 2008.
8. The drafting of the declaratory part of the outcome document may take place in parallel to other sections of the document, both as separate negotiating sub-group or within one of the sub-groups, possibly the one that deals with section five. Alternatively, its drafting may be undertaken after the first reading of the five sections of the action-oriented part of the draft outcome document by the Preparatory Committee is completed.

## Annex VI

**OUTCOME DOCUMENT OF THE REGIONAL CONFERENCE FOR  
LATIN AMERICA AND THE CARIBBEAN PREPARATORY TO THE  
DURBAN REVIEW CONFERENCE****Outcome document of the Regional Conference for Latin  
America and the Caribbean Preparatory to the Durban  
Review Conference**

(Brasilia, 17–19 June 2008)

[Translated from Spanish]

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

1. *Having met* in Brasilia from 17 to 19 June 2008, on the occasion of the celebration of the Ibero-American Year against All Forms of Discrimination and the sixtieth anniversary of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man,
2. *Expressing its gratitude* to the Government of Brazil for hosting this regional conference,
3. *Reaffirming* the principles of equality and non-discrimination,
4. *Acknowledging* that discrimination is a phenomenon affecting various groups in our society, such as people of African descent, indigenous peoples, migrants, persons with disabilities, women, older people, refugees, stateless persons, internally displaced persons, children, young people, Gypsies, Roma and groups facing discrimination on the grounds of religion, sexual orientation, gender identity or expression, together with victims of aggravated or multiple discrimination and persons living with infectious and contagious diseases, among others,
5. *Welcoming* the contributions of States to the preparatory process for the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference of the Durban Declaration and Programme of Action under decision PC.1/10 of the Preparatory Committee of the Durban Review Conference,
6. *Taking note* of the contributions by non-governmental organizations, particularly the outcome document of the Civil Society Forum held in Brasilia from 13 to 15 June 2008,

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

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

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

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

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

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

13. *Expressing its appreciation* for the efforts to eradicate racism, racial discrimination, xenophobia and related intolerance made by the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance and, in general, the special procedures of the United Nations Human Rights Council, in particular, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the United Nations Forum on Minority Issues, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on freedom of religion or belief, together with the United Nations Permanent Forum on Indigenous Issues and the efforts of the Office of the United Nations High Commissioner for Human Rights, including the Anti-Discrimination Unit and the former Sub-Commission



on the Promotion and Protection of Human Rights, and in particular, the Working Group on Minorities,

14. *Also expressing its appreciation* for the contributions made by the

mechanisms established by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to follow up on the Durban Declaration and Programme of Action, such as the independent eminent experts' group, the Working Group of Experts on People of African Descent and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

15. *Further expressing its appreciation* for the creation of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination,

16. *Acknowledging* that discrimination is a phenomenon that affects various groups in our society, such as people of African descent, indigenous peoples, migrants, persons with disabilities, women, older people, refugees, stateless persons, internally displaced persons, children, young people and groups facing discrimination because of religion, sexual orientation, gender identity or expression, together with victims of aggravated or multiple discrimination and persons living with infectious and contagious diseases, among others,

17. *Also acknowledging* that all the countries of the region are multi-ethnic, multicultural and multilingual societies, and that there are encouraging examples of societies in the region that have learned to live together in harmony surrounded by their ethnic and cultural plurality, which the countries are determined to consolidate,

18. *Considering* that the region can contribute positively to dialogue between civilizations and promote understanding among various points of view, for the purpose of eradicating all forms of racism, racial discrimination, xenophobia and related intolerance,

19. *Welcoming* the United Nations initiative on the Alliance of Civilizations, in which 89 States are participating, including many from Latin America and the Caribbean, with a view to promoting tolerance and cross-cultural values, to which the spirit of the Durban Declaration and Programme of Action is extremely closely linked,

20. *Noting* the creation and stressing the efforts of the Working Group to prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, and the Special Rapporteurship on the Rights of People of African Descent, Racism and Racial Discrimination, both within the purview of the Organization of American States,

21. *Acknowledging* the contributions by the Economic Commission for Latin America and the Caribbean to research into and analysis of racism and discrimination in the region,
22. *Highlighting* the work undertaken as part of the meeting of high-level human rights authorities and foreign ministries of the Common Market of the South (Mercosur) and associated States, particularly the Working Group on Discrimination, Racism and Xenophobia and the Sub-Working Group on Sexual Diversity,
23. *Also highlighting* the initiatives developed and actions taken as part of the Bolivarian Alternative for the Peoples of Our America, the Association of Caribbean States and other relevant regional mechanisms, in promoting and implementing cooperation programmes, particularly with regard to health and education in favour of the poorest and most socially excluded sectors, including women, children, young people, older people, people of African descent and indigenous peoples, among others,
24. *Further highlighting* the creation, on 23 May 2008, of the Union of South American Nations in Brasilia, which includes among its objectives that of enhancing cooperation in terms of social and educational policies to combat social exclusion and discrimination,
25. *Recalling* the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief made by the General Assembly in its resolution 36/55 of 25 November 1981,
26. *Also recalling* that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, a request was made for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,
27. *Further recalling* resolution 6/30 of the Human Rights Council on integrating the human rights of women throughout the United Nations system, the first resolution on that issue adopted by the Council, which urges States to cooperate with the United Nations system and provide support with a view to integrating the human rights of women,
28. *Mindful* of the commitments made by the States of the region with regard to the principal international human rights treaties and other relevant international instruments that contain provisions on efforts to combat racism, racial discrimination, xenophobia and related intolerance, and acknowledging the need for States that have not ratified or acceded to those instruments to consider doing so,
29. *Stressing* resolution 52/111 of the General Assembly of 12 December 1997, in which the Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related

intolerance, which was held in Durban, South Africa, from 31 August to 8 September 2001,

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

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

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

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

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

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

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

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

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

39. *Noting*, however, the continued existence of inequality and non-compliance with specific obligations in the promotion and protection of equality at the national, regional and international levels,

40. *Considering* that the poverty and social exclusion affecting various sectors of society in the countries of our region are cross-cutting themes relating to the various forms of discrimination, such as by ethnic or racial origin, gender or disability,

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

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

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

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

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

### *The Conference*

#### **General issues**

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

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

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

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

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

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

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

51. *Identifies* the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;
52. *Confirms* that there has been some implementation of training and educational activities on human rights from an anti-racist and anti-sexist perspective for public officials;
53. *Acknowledges* the need to formulate and put in place specific programmes to prevent, investigate, and, when required, bring to trial and punish acts of serious misconduct by police officers and other law-enforcement officials prompted by racism, racial discrimination, xenophobia and related intolerance;
54. *Notes* progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate discrimination against persons living with HIV/AIDS;
55. *Identifies* some progress in the adoption of legal and administrative measures to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities of indigenous peoples and to establish conditions for the respect thereof;
56. *Notes* progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, and to ensure their exercise of such rights and fundamental freedoms on an equal footing, free of discrimination, and their full and free participation in all spheres of society, particularly in matters that affect or interest them;
57. *Also notes* progress in the adoption of legislative and administrative measures, in addition to the establishment of governmental institutions and inter-institutional forums to tackle racism and other forms of discrimination against people of African descent;
58. *Identifies* progress in programmes to foster racial equality in favour of people of African descent, such as affirmative action programmes for access to higher education;
59. *Also identifies* progress made in legislation and measures adopted by States to correct inequalities in access by people of African descent to education, health, housing, justice and employment, and urges States to continue to develop and take measures to ensure full equality of access for people of African descent;
60. *Urges* States to adopt appropriate mechanisms with a view to monitoring and measuring programmes' effectiveness and progress;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



74. *Considers* that an effective system to protect against discrimination in the framework of the universal system of human rights should improve and provide consistency between the relevant mechanisms, thereby preventing duplication and enhancing effectiveness;

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

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

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

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

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

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

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

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

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

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

85. *Expresses* its recognition of and requests all States to implement the conclusions and recommendations agreed upon by the Working Group of Experts, in particular on the adverse effects of racism on health, employment, housing, education and the media, and likewise regarding the use of racial profiling, bearing in mind the need for States to reject and prevent all practices drawing on race-based stereotyped profiles;

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

87. *Takes note* of the final report on the existing gaps in international instruments to combat racism, racial discrimination, xenophobia and related intolerance by the group of five experts established by the Human Rights Council to study the need to adopt complementary standards that concluded its mandate, and invites States

to consider implementing the group's recommendations, particularly on refugees, internally displaced persons, migrants and migrant workers, indigenous peoples, minorities and victims of multiple or aggravated discrimination;

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

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

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

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

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

93. *Reiterates* that slavery and the transatlantic slave trade are, and should always have been, a crime against humanity; notes that the transatlantic slave trade has contributed to the modern-day legacy of the alienation, poverty and social exclusion of peoples of African descent, and calls upon States to take urgent action to make available actual and fitting resources, compensation, redress and other measures at the national, regional and international levels for peoples of African descent;

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

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

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

#### *The Conference*

96. *Takes note with interest* of the numerous examples of good practices set in the region in efforts to combat racism, racial discrimination, xenophobia and related intolerance, with a view to their possible replication, whether domestically or internationally, by means of cooperative and international assistance initiatives; such good practices are set out in an addition to the present outcome document.

### **IV. Way forward**

#### *The Conference*

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

98. *Notes* the enduring challenge of including the knowledge and history of people of African descent in educational curricula, and celebrates the publication and dissemination of the *Manual and Guia de los afrodescendientes de las Américas y el Caribe* ("Handbook" and

“Guide for people of African descent of the Americas and the Caribbean”), published by the United Nations Children’s Fund;

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

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

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

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

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

104. *Also urges* States to develop and take measures to spur on efforts to combat racism, racial discrimination, xenophobia and related intolerance, taking into account such challenges as the political manipulation of the phenomenon of racism and xenophobia and the efforts to accord ideological, scientific and intellectual legitimization to racist and xenophobic discourse and practices that consider ethnic or racial origin and immigration to at the root of social, economic and political problems;

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

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

107. *Calls upon* States to establish and equip specialized State bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance and to promote racial equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness-raising activities;

108. *Urges* States to ensure the independence of national human rights institutions, together with their dovetailing and coordination in practice, both with specialized State bodies and mechanisms and with other civil society stakeholders, particularly in respect of the prevention of racism, racial discrimination, xenophobia and related intolerance;

109. *Invites* the Economic Commission for Latin America and the Caribbean to consider establishing, as part of its mandate, a unit specializing in diversity and non-discrimination to work with States that so request it in implementing progress made in public policies to manage diversity and assess discrimination gaps, which could also serve as a forum to exchange good practices in efforts to combat racism, racial discrimination, xenophobia and related intolerance;

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

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

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

113. *Urges* States to adopt and enforce legal and administrative measures at the national and local levels, or to strengthen existing measures, with the aim of preventing and punishing expressly and specifically contemporary forms of racism, racial discrimination, xenophobia and related intolerance in public and private life;

114. *Urges* States to undertake without delay thoroughgoing, exhaustive and impartial investigations into all acts of racism and racial discrimination, and to prosecute as a matter of course offences of a racist or xenophobic nature, where applicable, or to promote or facilitate relevant legal proceedings with regard to offences of a racist or xenophobic nature, to ensure that high priority is accorded, consistently and energetically, to criminal and civil investigations into and trials for offences of a racist or xenophobic nature and to ensure the right to equal treatment before the courts and other bodies administering justice;

115. *Also urges* States to investigate and take appropriate measures concerning the consequential effects of racism on all spheres of the enforcement of criminal law, in particular policing, court decisions, prison rehabilitation and the granting of release on parole or other legal benefits for prisoners;

116. *Urges* States to formulate, implement and ensure compliance with practical measures to eradicate the phenomenon commonly known as "racial profiling", which includes the practice whereby police officers and other officials responsible for upholding the law act on the basis, to some extent or other, of race, colour, descent or ethnic or national origin as a reason for investigating persons or determining if a person is committing offences;

117. *Urges* States to promote capacity-building in human rights, tolerance and awareness-raising, through the use of tools and training methods, particularly targeted at eliminating discriminatory behaviour and institutional racism with regard to the intercultural relationships of officials responsible for upholding the law and developing public policies;

118. *Urges* States to tackle the issue of indigenous young people and those of African descent and violence, particularly in the peri-urban areas of major cities, from a social and human rights perspective in which focus is placed on the strengthening of social capital and the building of the capacities of indigenous young people and those of African descent;

119. *Urges* States to bolster protection against racism, racial discrimination, xenophobia and related intolerance, thereby ensuring that everyone enjoys access to the administration of justice, competent national tribunals and other State institutions and mechanisms, in order to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, and also stresses the importance for complainants of acts of racism and racial discrimination

to have access to the protection of the law and the courts, and draws attention to the need to raise awareness of judicial recourse and other existing legal remedies and for these to be easily accessible, speedy and not excessively complicated;

120. *Urges* States to take measures to ensure that all persons enjoy equal access to high-quality health services, including primary health care; in addition to including training and capacity-building programmes for staff who work in the health sector to prevent discrimination;

121. *Urges* States to implement measures to fulfil the right of each person to enjoy the maximum level attainable of physical and mental health, in seeking to eliminate imbalances in health conditions that can stem from racism, racial discrimination, xenophobia and related intolerance;

122. *Also urges* States and encourages non-governmental organizations and the private sector:

(a) To incorporate specific issues relating to the health of the population of African descent into training and capacity-building for health-care professionals;

(b) To promote training and capacity-building for a health-care sector workforce that is racially and ethnically diverse and motivated to work in communities where services are scant;

(c) To encourage research into the health of the population of African descent;

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

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

125. *Invites* States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and



their participation in the forums that administer and transfer the resources held in such funds;

126. *Urges* States and encourages non-governmental organizations and the private sector to endorse the creation of working environments free of discrimination and to promote and protect the rights of workers who are victims of racism, racial discrimination, xenophobia and related intolerance;

127. *Urges* States to put in place policies to promote ethnic and racial diversity in the labour market to meet the need for, in particular, the practical incorporation of women of African descent into the labour market, in both the public and private sectors, and in income and employment-generation programmes;

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

129. *Urges* States, bearing in mind migrants' economic and cultural contributions to their destination societies and communities of origin, to formulate and put in place policies and action plans to foster harmony and tolerance between migrants and their host societies with a view to eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence;

130. *Stresses* the seriousness of racist and xenophobic behaviour and practices in country entry points and in reception and waiting areas, and urges States not to permit these areas to be turned into areas operating outside the law for non-nationals in general, and, above all, for immigrants and asylum-seekers;

131. *Underscores* the need to step up efforts to protect the human rights of migrants, whatever their migratory status, together with the importance of upholding the duty of States Parties to the Vienna Convention on Consular Relations to comply with that Convention, including the obligation on States Parties on whose territory foreign nationals are detained to inform them of their right to communicate with their consular officers, which was upheld in the ruling of the International Court of Justice of 31 March 2004 in the case *Avena and Other Mexican Nationals (Mexico v. United States of America)*;

132. *Urges* States, stressing the importance of cooperation between countries of origin, transit and destination to ensure the full protection of the human rights of all migrants and in the light of the increase in migration flows, to devise policies to escort and protect nationals abroad in accordance with the applicable legal arrangements;

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

134. *Urges* the international community, in upholding the principles of shared responsibility and solidarity, to join together in offering financial support to States in the full enforcement of international legal provisions governing refugees, particularly in obtaining lasting solutions to the general problem of refugeeism;

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

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

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

138. *Urges* States to focus new investments on health care, education, public health, electricity, drinking water and environmental control, together with other affirmative action measures in communities

principally comprising people of African descent and indigenous peoples;

139. *Urges* States to put into practice affirmative action programmes with a view to promoting genuine equal opportunities and treatment for indigenous students and those of African descent in access to, and remaining in, all levels of high-quality education, particularly higher education, together with equality and non-discrimination in access to employment;

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

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

142. *Calls upon* States to include a gender perspective in action programmes against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of discrimination weighing, in particular, upon indigenous women and those of African descent, together with women from other disadvantaged groups, so that their access to productive resources on equal terms with men is ensured, as a means of promoting their participation in the economic and productive development of their communities;

143. *Urges* States to include in their domestic legislation such criminal, civil and administrative provisions, in addition to those of any other nature, that may be required to prevent, punish and eradicate violence against women and to take the appropriate administrative measures required;

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

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

146. *Calls upon* States to produce data and indicators disaggregated by race and ethnicity, whether in undertaking censuses or in gathering, compiling, analysing and disseminating the data, at the national and local levels, which must also take into consideration such social and economic indicators as average income, access to health

services, maternal and infant mortality, life expectancy, literacy rate, access to education, employment opportunities, quality of housing, land ownership and access to water, health and communications services;

147. *Requests* States to produce a system of racial equality indicators and/or a racial equality index that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, together with the promotion of racial equality;

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

149. *Also urges* States to agree to ensuring access to education, particularly access for all children to free primary education and access for adults to continuous training and education, based on respect for human rights, diversity and tolerance, free of any form of discrimination;

150. *Calls upon* States, where appropriate, to take suitable measures to ensure that persons belonging to national, ethnic, religious and linguistic minorities have access to education free of any form of discrimination and that, whenever possible, they have the opportunity to learn their own language, with a view to protecting them from any form of any racism, racial discrimination, xenophobia and related intolerance of which they could be the target;

151. *Requests* States to include in the curriculum for the training and capacity-building of teachers topics relating to the importance of respect for diversity, including issues of gender, race and ethnic relations, sexual orientation and gender identity;

152. *Urges* States to take measures that, consonant with international human rights standards and the respective legal systems of each State, ensure access and/or collective ownership of the lands that have traditionally been owned, occupied or used in another form by indigenous peoples and those of African descent, in addition to promoting the productive use thereof, the comprehensive development of the community and the respect for its culture and the particular characteristics of its decision-making processes;

153. *Calls upon* States, taking into account the good practices mentioned in part III, to formulate cooperative programmes to promote equal opportunities in favour of victims of racism, racial discrimination, xenophobia and related intolerance and encourages them to propose the creation of multilateral cooperative programmes with the same objective;

154. *Urges* States to improve governmental and inter-institutional coordination mechanisms between countries of the region in efforts to combat all forms of discrimination and to strengthen cooperation thereon with regional and international organizations;

155. *Calls for* the strengthening of the existing network of specialized State bodies and mechanisms for racial equality, efforts to combat racism and the rights of indigenous peoples;

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

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

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

159. *Reiterates* its concerns regarding acts of violence, discrimination and human rights violations committed against individuals on the grounds of their sexual orientation and gender identity, and invites States, whenever possible, to consider appropriate measures to tackle such problems.

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## Annex VII

**FINAL DOCUMENT OF REGIONAL PREPARATORY MEETING FOR  
AFRICA FOR THE DURBAN REVIEW CONFERENCE****Final document of the Regional Preparatory Meeting for  
Africa for the Durban Review Conference**

*The African Regional Conference, having met in Abuja, Nigeria, from 24 to 26 August 2008 pursuant to General Assembly resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006 and within the framework of preparations for the conference to be convened in 2009 for the review of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 (the Durban Review Conference), hereby issues the following Declaration and Programme of Action:*

*Underlining* the importance of the declaration and programme of action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban Declaration and Programme of Action), which constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Underlining also* the importance of the Dakar Declaration and Recommendations for a Programme of Action adopted at the Regional Conference for Africa held in Dakar, Senegal, in January 2001,

*Expressing* sincere appreciation to the Government of Nigeria for hosting the current African regional preparatory meeting,

*Recalling* the values and principles of human dignity and equality enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the African Charter on Human and Peoples' Rights and all other related international instruments,

*Recalling also* the great importance that African peoples attach to the values of solidarity, tolerance and multiculturalism, which constitute the moral ground and the inspiration for our struggle against racism,

racial discrimination, xenophobia and related intolerance, and the inhuman tragedies which Africa has suffered for too long,

*Reaffirming* the principles of equal rights and self-determination of peoples, recalling that all individuals are born equal in dignity and rights, stressing that such equality must be protected as a matter of the highest priority and recognizing the duty of States to take prompt, decisive and appropriate measures with a view to eliminating all forms of racism, racial discrimination, xenophobia and related intolerance,

*Expressing* deep alarm at the sharp increase in xenophobic tendencies and intolerance towards various racial and religious groups and cultures, the worst affected victims of which are people belonging to minorities, migrants, refugees, asylum-seekers and illegal migrants,

*Recognizing* that poverty, underdevelopment, marginalization, social exclusion and economic disparities are manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Regretting* the alarming signs of regression in efforts to combat racism, racial discrimination, xenophobia and related intolerance, particularly the upsurge in racist violence, and recognizing the crucial importance of political will in the refusal to trivialize racism, racial discrimination, xenophobia and related intolerance by the rejection of their use in politics and electoral campaigns and in the systematic combating of racist and xenophobic political platforms,

*Recognizing* that racism, racial and ethnic discrimination, xenophobia and related intolerance affect women differently than men, aggravating their living conditions and generating multiple forms of violence and thus limiting or denying their enjoyment of their human rights,

*Strongly condemns* ethnicization and criminalization of irregular migrants and asylum-seekers;

*Emphasizing* the need, more urgent than ever before, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance and to enable all relevant human rights mechanisms to pay give due attention to and prevent the recurrence of such acts,

*Stressing* the need to summon and sustain political will at the national, regional and international levels in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the commitments enshrined in the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to that end,

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

*Acknowledging* the suffering caused by colonialism and affirming that, wherever and whenever it occurred, it must be condemned and its recurrence prevented,

*Acknowledging* the important role of African and international non-governmental organizations, the media, national institutions and civil society in the fight against racism and encouraging them to intensify their endeavours in that respect,

*Recalling* the decision of the heads of State of the African Union on the Commemoration of the Abolition of Slavery,

*Reaffirming* the historical fact that the most hideous manifestations of racial discrimination that the continent of Africa and the African diaspora have suffered, namely, the slave trade, all forms of exploitation, colonialism and apartheid, were essentially motivated by economic objectives and competition between colonial powers for strategic territorial gains and for the appropriation of, control over and pillage of natural and cultural resources,

*Recognizing* the enduring and tragic impact of the slave trade, which is a crime against humanity, particularly the African people and its successive generations,

*Recalling* United Nations General Assembly resolution 61/19 of 28 November 2006, commemorating the two-hundredth anniversary of the abolition of the transatlantic slave trade, which acknowledges that the slave trade and the legacy of slavery are at the heart of situations of profound social and economic inequality, hatred, bigotry, racism and prejudice that continue to affect people of African descent,

*Recalling further* resolution 62/122 of 17 December 2007, by which the General Assembly decided to designate 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, beginning in 2008, as a complement to the existing International Day for the Remembrance of the Slave Trade and its Abolition,

*Reaffirming* the recommendation of the Working Group of Experts on People of African Descent that the question of reparations be included in the Durban Review Conference,

*Recalling* article 5 of the African Charter on Human and Peoples' Rights, which affirms: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited",

*Acknowledging* the historic responsibility of Africans everywhere in the world to celebrate the abolition of slavery as part of their historical legacy in order to ensure that this tragic blot on human history is not forgotten and can never recur,



*Reiterating* that all individual human rights violations and collective violations such as racial discrimination should be condemned and that appropriate remedies must be provided,

*Affirming* that, by enhancing the right of victims to benefit from international recognition and protection of their right to remedies and reparation, the international community strengthens its credibility in the cause of human rights, shows faith and human solidarity with victims, survivors and future human generations and reaffirms the principles of the equality and dignity of all human beings, accountability, justice and the rule of law,

*Emphasizing* that victims' right to access to justice is of special importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically, and that the principle of equality of victims in legal systems is meaningless unless it is accompanied by affirmative action,

*Emphasizing also* the importance of demonstrating good will to humanity and the primacy of reconciliation by taking concrete measures toward the resolution of key issues of concern to the victims of racism, racial discrimination, xenophobia and related intolerance, which relate to the restoration of their dignity and equality as envisaged in paragraphs 98-106 of the Durban Declaration,

*Regretting* that the commitments made in paragraphs 157 and 158 of the Durban Programme of Action remain unfulfilled,

*Calling upon* the Durban Review Conference to address the issue of reparations for people of African descent with reference to paragraphs 164, 165 and 166 of the Durban Programme of Action,

*Recalling* decision 3/103 of the Human Rights Council by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards and mandated it to prepare complementary international standards for strengthening and updating international instruments against all aspects of racism, racial discrimination, xenophobia and related intolerance,

*Regretting* that weak legislation and the absence of appropriate policies and programmes to tackle racism and racial discrimination persist at the national level,

*Regretting further* the erosion, in some parts of the world, of the established international legal framework, as well as other international commitments, in the field of combating racism, racial discrimination, xenophobia and related intolerance,

*Expressing* concern at the persistence of impunity for acts of racism, racial discrimination, xenophobia and related intolerance,

*Reaffirming* that genocide is the most serious manifestation of racism, racial discrimination, xenophobia and related intolerance.

**A. 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**

1. *Emphasizes* the need for States to adopt educational and practical strategies, in addition to legal measures, in fighting racism;
2. *Emphasizes also* the need to achieve racial equality, in particular with regard to participation in political life and the economic, social and cultural situation of the individuals and various groups and communities in a given society;
3. *Calls upon* States in their reporting to the Human Rights Council to indicate measures taken to quell the elaboration and implementation of racist political programmes and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist ideas or motivations;
4. *Emphasizes* the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia as contemporary forms of racism as well as racial and violent movements based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities;
5. *Stresses* the need for an assessment to be conducted by the Human Rights Council and the Committee on the Elimination of Racial Discrimination on the extent to which racist phenomena are addressed through the implementation of specific laws and underlines the importance of establishing national mechanisms with a view to specifically examining those phenomena;
6. *Welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008 and requests the Ad Hoc Committee, at the second part of its first session, to heed, as provided in Human Rights Council decision 3/103 of 18 December 2006, as a matter of priority, the instruction and decision of the World Conference against Racism on the elaboration, as a matter of priority and necessity, of complementary standards in the form of either a convention or one or more additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination to fill existing gaps in the Convention and provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;
7. *Stresses* the need to assess the progressive contribution of civil society organizations to combating racism, racial discrimination, xenophobia and related intolerance and ways and means of enhancing the role of civil society in that regard;

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

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

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

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

12. *Reiterates* strongly that freedom of religion or belief, freedom of opinion and expression and non-discrimination are interdependent and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to religious hatred under article 20 of the International Covenant on Civil and Political Rights and analogous instruments;

13. *Underlines* the importance of the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981;

14. *Calls* on States to refrain from condoning incitement to racial and religious hatred and violence under the pretext of free speech;

15. *Reiterates* that it is critical for Governments and the judiciary to ensure that acts that constitute incitement under article 20 of the International Covenant on Civil and Political Rights are closely monitored and do not enjoy impunity;

16. *Urges* the Human Rights Committee to clarify the scope and content of article 20 of the International Covenant on Civil and Political Rights within the framework of its general comments with the aim, among other things, of defining an appropriate threshold for enacting relevant legislation;

17. *Invites* the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to adopt a joint general comment on article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination further clarifying and defining, inter alia, States' obligations thereunder and the threshold beyond which an act constitutes a violation thereof, bearing in mind

general comment 11 of the Human Rights Committee and general recommendation 15 of the Committee on the Elimination of Racial Discrimination;

18. *Urges* States, as a matter of priority:

- (a) To demonstrate a firm political will to combat the rise in racial discrimination and religious intolerance and to promote mutual respect and understanding of cultural diversity;
- (b) To punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments;
- (c) To pay special attention to the political use of discrimination and xenophobia, notably the ideological and electoral permeation of racist and xenophobic platforms into the programmes of democratic parties;

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

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

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

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

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

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

25. *Urges* States to discontinue discriminatory security practices that single out individuals or groups on the basis of their race, religion or belief, names and appearance;

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

27. *Emphasizes* the seriousness and depth of the resurgence of manifestations of racism and xenophobia, both old and new, and stresses that a vigorous and consensual response from the international community is, in the light thereof, urgently needed;

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

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

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

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

32. *Reiterates* its concern about the plight of the Palestinian people under foreign occupations, urges respect for international human rights law and international humanitarian law and calls for a just, comprehensive and lasting peace in the region;

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

34. *Recommends* that concerned States establish mechanisms through which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the

criminal justice system, political participation and representation, as regards people of African descent and migrants, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

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

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

37. *Recommends also* that States and international and regional organizations establish independent bodies, where they do not already exist, to receive complaints made by people of African descent and migrants regarding discrimination in access to housing, education, health, employment and other fundamental rights;

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

39. *Takes note also* of the important efforts, programmes and mechanisms initiated and promoted by the African Union falling within the scope of the Durban Declaration and Programme of Action and calls upon the international community to provide added recognition, cooperation and assistance to such African initiatives;

40. *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;

41. *Recommends also* that the United Nations create a fellowship programme for people of African descent;

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

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

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

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

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

47. *Acknowledges* those States that have made formal apologies to the victims of colonialism and past historic injustices to achieve healing and reconciliation;

48. *Urges* States that have not done so to issue expeditiously formal apologies to the victims of colonialism and past historic injustices and to take all measures necessary to achieve healing and reconciliation;

**B. Assessing, for the purpose of enhancing, the effectiveness of existing Durban Declaration and Programme of Action follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance**

49. *Acknowledges* the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms and stresses the importance of creating the necessary synergies between them;

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

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

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

53. *Urges* the direct and explicit endorsement of the recommendations of the Durban Declaration and Programme of Action follow-up mechanisms in General Assembly and Human Rights Council resolutions thus giving those recommendations added political weight;

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

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

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

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

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

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

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

61. *Recognizes* that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and its agreement on



qualifying the slave trade as a crime against humanity, and regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on that accomplishment;

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

**C. 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**

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

64. *Regrets* that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action and encourages those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible;

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

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

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

68. *Renews* its call to States to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider

communications to enable victims to avail themselves of the remedy provided under article 14 of the Convention;

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

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

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

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

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

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

75. *Urges* States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to comply with their reporting obligations under the Convention by presenting reports in a timely manner in conformity with the relevant guidelines adopted by the Committee in 2007;<sup>2</sup>

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

77. *Encourages* national human rights institutions to assist their respective States to comply with their reporting obligations under the International Convention on the Elimination of All Forms of Racial

<sup>2</sup> CERD/C/2007/1.

Discrimination and to monitor closely the follow-up to the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination;

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

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

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

**D. 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**

81. *Recognizes* that a broad, global exchange of good practices in combating racism could serve as examples and assist States, the judiciary, social partners and civil society to implement more effectively the provisions of the Durban Declaration and Programme of Action and recommends the following best practices:

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

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

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

(d) Establishing institutions at the national and regional levels to combat racism and monitor racist acts and phenomena;

(e) Elaborating specific laws on combating incitement to racial and religious hatred, in conformity with obligations under article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;

(f) Issuing laws on the protection of particularly vulnerable ethnic groups and, as required and on a non-selective basis, laws that

seek to protect particular groups that are more susceptible, in certain contexts, to racism;

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

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

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

(j) Incorporating into domestic law obligations under the International Convention on the Elimination of All Forms of Racism;

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

(l) Recruiting for various posts at all levels through affirmative action schemes;

(m) Devising special laws and policies for confronting the ideologies and practices of political groups advocating racist platforms;

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

(o) Requesting also the Office of the High Commissioner for Human Rights, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and other relevant organizations to develop databases and to disseminate good practices effectively;

**E. Further concrete measures and initiatives at all levels aimed at combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, fostering implementation of the Durban Declaration and Programme of Action and addressing challenges and impediments thereto, including in the light of developments since the adoption of the Declaration and Programme of Action in 2001**

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

83. *Protecting* the human rights of migrants whether regular or irregular;

84. *Countering* anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant

objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;

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

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

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

86. *Prohibiting* by law, and adopting necessary policy measures to combat, the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred;

87. *Ensuring*, in relation to the two above-mentioned themes:

(a) That lawmakers in every country discharge their responsibilities in conformity with paragraph 2 of article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, taking due account of General Comment 15 of the Committee on the Elimination of Racial Discrimination;

(b) That model legislation on this issue is elaborated through a joint exercise to be undertaken by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee;

(c) That permissible limitations on the exercise of the right to freedom of expression are elaborated and, where appropriate, incorporated into national legislation;

(d) That a voluntary ethical code of conduct is elaborated, in association with the International Federation for Journalists, to address racism in the media and other modern information and communication technologies while taking into account fundamental issues, such as the right to freedom of expression, and to eliminate the projection and perpetuation through the media and new technologies of negative images and stereotypes of African people and people of African descent;

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

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

89. *Combating* impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing redress for victims of those violations;

90. *Advocating* and mobilizing the political will of relevant actors at the national level for the elimination of racism, racial discrimination, xenophobia and related intolerance;

91. *Enhancing* the roles of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

92. *Sharing* best practices in the elimination of all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

93. *Establishing* national, regional and international bodies to monitor racist and xenophobic acts, including the Office of the High Commissioner for Human Rights observatory for racist incidents proposed by the Special Rapporteur on racism. Those bodies should also undertake a detection role in relation to potential conflict based on racism, racial discrimination, xenophobia and related intolerance;

94. *Collecting and analysing* empirical evidence necessary to the prevention and monitoring of racism, racial discrimination, xenophobia and related intolerance;

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

(a) Promotion of reciprocal knowledge among cultures, civilizations and religions, with a particular emphasis on value systems;

(b) Adoption of policies and programmes in the fields of education, social, economic and cultural life favouring interactions among communities;

(c) Recognition of the value of cultural and religious diversity associated with the promotion of unity within society;

(d) Creation of conditions that facilitate encounters, dialogue and joint action for social harmony, peace, human rights and development, and combat all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

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

97. *Defining*, within the framework of national human rights programmes, targets and actions in compliance with the Universal Declaration of Human Rights aimed at, among other things, eliminating discrimination of any kind, such as on the basis of race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status;

98. *Devising* programmes and the creation of national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles

99. *Expressing* concern at the increasing incidence of racism in various sporting events while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism and in this regard inviting all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

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

101. *Inviting* the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit of her office so that it better serves the mechanisms established for the follow-up and implementation of the Durban Declaration and Programme of Action and interacts effectively with all partners, including civil society, in the global work against racism.

## Annex VIII

**WRITTEN CONTRIBUTION SUBMITTED BY THE ORGANIZATION  
OF THE ISLAMIC CONFERENCE (OIC)**

**Written OIC Contribution**

*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.*

The OIC considers DDPA as an important milestone in the collective struggle of mankind against the scourge of racism, racial discrimination, xenophobia and related intolerances. As a result of the collective resolve expressed by the UN family in 2001 in Durban, a number of countries have taken substantial steps to incorporate and implement the spirit of DDPA in their national policies framework. Others have worked to streamline their policies in accordance with the character of DDPA. All these steps and efforts indicate progress in many cases.

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

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

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

As regards the debate of contemporary forms of racism, some of the most worrying trends since 2001 include racio-religious profiling and discrimination, defamation of



Muslims, their faith and beliefs, incitement to religious hatred and its concomitant effects on multiculturalism, national and international peace and stability as well as human rights of the affected communities.

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

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

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

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

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

**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.*

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

A number of mechanisms were created to follow up on the DDPA. But the result of their hard work in the shape of their valuable suggestions and recommendations has not borne results. Effective implementation of the DDPA as well as the recommendations of its follow up mechanisms is needed to guarantee promotion and protection of the rights of the victims of racism, racial discrimination and xenophobia.

Besides political commitment to the cause, some of the ways which could help strengthen the follow up mechanisms are as following:

- a- Enhanced visibility to the message of DDPA and its follow up mechanisms through effective media campaigns by the UNDPI as well as national governments.
- b- Effective coordination between various Durban mechanisms and their regular interaction with relevant special procedures, CERD, HRC and GA.
- c- Creating necessary reporting linkages to these mechanisms by the member states on their recommendations as well as provision of information on the subjects of relevance.
- d- Follow up on the recommendations of these mechanisms to be pursued by the OHCHR;
- e- Relevant recommendations to be kept in mind by special rapporteurs while reporting on their respective themes /mandates. Resolutions on racism related subjects should also include and give prominence to the recommendations of these mechanisms;
- f- Relevant recommendations must also find place in the new international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance as well as mainstreaming the subject of racism throughout the UN system; and
- g- Ensuring effective participation of civil society and victims of different forms of racism to ensure relevance as well as focused orientation.

**3. *Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.***

While the universality of the Convention is already an objective of the DDPA, it also calls upon member states to extend full cooperation to the Committee on Elimination of Racial Discrimination and other human rights treaty monitoring bodies to promote the effective implementation of the instruments concerned and proper consideration of

the recommendations adopted by these bodies with regard to complaints of racism, racial discrimination, xenophobia and related intolerance.

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

**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.***

Identification of best practices in an intergovernmental setting is a difficult task. Different practices are based on different experiences. Results achieved may also vary and could be potentially contentious. Nevertheless, it is important to look closely on different practices which have yielded results and can be emulated by others in the common fight against racism, racial discrimination, xenophobia and related intolerance.

At the same time, however, it would be worthwhile to look at the practices, laws and policies which have proved to be counterproductive in the fight against racism and should be avoided by the rest.

Most national constitutions and laws provide for a general framework against the racial tendencies. It is important that such frameworks be broadened to take into account specific policies and acts that can address different forms of racial discrimination. There is a need to strengthen different national and regional institutions on account of their capacity to combat racist tendencies with the area of their responsibility.

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

An important element in the fight against racism is the need to raise awareness and enhance understanding between and among different cultures and societies. Some useful steps have been taken such as Interfaith Dialogue and Cooperation for Peace and Alliance of Civilizations. Such mechanisms must not only be supported but enhanced and multiplied at all possible forums. At the national level such mechanisms should be created to reach out to all the religious ethnic and linguistic minorities and vulnerable groups. This approach will bring about better understanding of the

problems and misconceptions at different level as well as provide ownership in the programmes designed for the betterment of vulnerable groups. The benefits of interfaith cooperation and dialogue should be taught at the basic level to ensure effective integration of minorities and better understanding and tolerance among societies.

**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 DDPA and to address challenges and impediments thereto, including in light of developments since the adoption of the DDPA in 2001.***

The OIC condemns human rights violations, irrespective of their origin, and is not against "reasonable and fair criticism." However, recent events have once again highlighted the need to demarcate the legal contours between freedom of expression and hate speech. OHCHR's proposed Expert Consultations on the permissible limits to freedom of expression, by taking into account the mandatory prohibition of advocacy of religious hatred, should reach some conclusions and recommendations coming out from the consultations should be worthy of including in the Review Conference documents.

National laws alone cannot deal with the rising tide of defamation and hatred against Muslims, especially if such trends are spreading to the grass root communities. A framework is needed to analyze national laws and understand their provisions. This could then be compiled in a single "universal document" as guidelines for legislation – aimed at countering "defamation of religions".

Some of the other normative and preventive measure that have been proposed over time during discussions on the subject of Review mechanisms include; a) mandatory prohibition by law to eliminate racio-religious profiling or profiling based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

As has also been highlighted in different reports under agenda item 9, one of the principal reasons fomenting the tide of racism is the growing increase in the right wing extremist political discourse, including in some of the most liberal and pluralistic societies. This trend has led to the deepening of the racist tendencies in those societies through propaganda against immigrants and promotion of cultural and religious superiority doctrines. Immunity granted to such acts has led to denial of basic human rights to the affected communities including their right to freely practice and preserve their religious and cultural identities. Effective legislation is needed at

the national, regional and international levels to curb these tendencies as well as to ensure relief to the victims.

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