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COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Agenda item 6

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL  
FORMS OF DISCRIMINATION**

**Report of the Intergovernmental Working Group on the Effective  
Implementation of the Durban Declaration and Programme of  
Action on its first session**

**Chairperson-Rapporteur: Mr. Juan Enrique VEGA (Chile)**

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## **I. ORGANIZATION OF THE SESSION**

1. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, established as mandated by the Commission on Human Rights in paragraph 7 of its resolution 2002/68 and approved by the Economic and Social Council in its decision 2002/270, held its first session in Geneva from 21 to 31 January 2003. It held an additional meeting on 21 March 2003. In total, it held 15 meetings.

### **A. Opening of the session**

2. The session was opened by the Deputy United Nations High Commissioner for Human Rights. In his statement, he referred to the legal framework to combat racism, specifically highlighting the role of the Committee on the Elimination of Racial Discrimination and its consideration of reports submitted by States parties. With regard to the implementation of the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, he urged the Intergovernmental Working Group to make practical and action-oriented recommendations.

### **B. Attendance**

3. The session was attended by representatives of the following States Members of the United Nations; the following non-member States, specialized agencies, treaty bodies, special procedures of the Commission on Human Rights, intergovernmental organizations and non-governmental organizations participated as observers:

#### **States Members of the United Nations**

Algeria, Andorra, Argentina, Austria, Bahrain, Bangladesh, Barbados, Belgium, Brazil, Burundi, Cameroon, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Qatar, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Venezuela, Zambia.

#### **Non-member States represented by observers**

Holy See.

#### **United Nations**

United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF).

### **Treaty bodies**

Committee on the Elimination of Racial Discrimination (two members).

### **Special procedures of the Commission on Human Rights**

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

### **Specialized agencies**

International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO).

### **Intergovernmental organizations**

African Union, European Commission, Organization of the Islamic Conference.

### **Non-governmental organizations**

#### **General consultative status**

International Confederation of Free Trade Unions.

#### **Special consultative status**

African Commission for Health and Human Rights Promoters, African Society of International and Comparative Law, Baha'i International Community, Indian Movement "Tupaj Amaru", Interfaith International, International Young Catholic Students, Migrant Rights International.

### **Roster**

All for Reparations and Emancipation, Association of World Citizens, International Movement Against All Forms of Discrimination and Racism.

## **C. Election of the Chairperson-Rapporteur**

4. At its 1st meeting, on 21 January 2003, the Intergovernmental Working Group elected H.E. Mr. Juan Enrique Vega, Permanent Representative of Chile, to the United Nations Office at Geneva, as Chairperson-Rapporteur, by acclamation.

## **D. Adoption of the agenda**

5. Also at its first meeting, the Intergovernmental Working Group had before it the provisional agenda for its first session (E/CN.4/2003/WG.21/2), prepared by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council.

6. The Working Group adopted the following agenda without a vote:
  1. Opening of the session.
  2. Election of the Chairperson-Rapporteur.
  3. Adoption of the agenda.
  4. Organization of work.
  5. Implementation of the mandate of the Working Group, as established in Commission on Human Rights resolution 2002/68 and approved by Economic and Social Council decision 2002/270:
    - “(a) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action;
    - (b) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;”
  6. Adoption of recommendations.
  7. Adoption of the report.

#### **E. Organization of work**

7. At the 1st meeting, the Chairperson made an introductory statement outlining his views on the organization of work of the first session of the Intergovernmental Working Group.
8. At the 2nd meeting, on 22 January 2003, elements for a programme of work for the first session were circulated by the Chairperson. After a round of statements, the Chairperson expressed his intention to proceed on the basis of the draft programme of work.
9. At the 4th meeting, a provisional timetable was proposed by the Chairperson.
10. Statements on the organization of work, including the participation of non-governmental organizations in the Intergovernmental Working Group and the elaboration of a methodology for future sessions of the Working Group, were made by representatives of the following States (the number in brackets is that of the meeting at which the statement was made): Argentina (1st, 10th), Brazil (1st, 2nd, 10th), Cameroon (2nd), China (2nd, 10th), Cuba (1st, 2nd), Costa Rica (1st, 2nd), Ecuador (1st, 10th), Ethiopia (10th), Finland (2nd), Georgia (10th), Guatemala (1st, 2nd, 10th), India (1st, 10th), Iran (Islamic Republic of) (2nd, 10th), Jamaica (1st), Japan (1st), Latvia (1st), Lesotho (2nd), Malaysia (2nd), Mexico (1st, 2nd, 10th), Pakistan (10th), South Africa (1st, 2nd, 10th), Sri Lanka (2nd, 10th), Switzerland (2nd), Syrian Arab Republic (10th), Thailand (2nd), Uganda (1st, 2nd), Zambia (1st, 2nd, 10th).

11. A statement on item 4 was made by the observer for the Holy See (1st).
12. At the 2nd meeting, a statement on the organization of work was made by the representative of the ILO.
13. Statements on the organization of work were also made by the following non-governmental organizations: Association of World Citizens (10th), Indian Movement “Tupaj Amaru” (1st) and Interfaith International (1st, 10th).
14. At its 14th meeting, the Intergovernmental Working Group adopted a decision on the participation of non-governmental organizations in its future sessions as follows:

“The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

“Having considered and exchanged views on the question of the participation of non-governmental organizations in future sessions of the Intergovernmental Working Group,

“1. Decides on the following criteria for participation by non-governmental organizations:

“(a) All non-governmental organizations in consultative status with the Economic and Social Council are allowed to participate in all the future sessions of the Working Group;

“(b) The secretariat will post on the web site of the Office of the High Commissioner for Human Rights the list of non-governmental organizations not in consultative status, but accredited to participate in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance pursuant to Council resolution 1996/31, and those indigenous organizations that have been accredited under Council resolution 1995/32.

“(c) Member States are given a period of 14 days, starting from the posting on the web site of the Office of the High Commissioner for Human Rights of the list of non-governmental organizations mentioned above, to indicate their objection to the participation in the Intergovernmental Working Group of a specific non-governmental organization. In the event no objections are received within the stipulated period, all the non-governmental organizations in this category will be automatically allowed to participate in all the future sessions of the Working Group;

“(d) All non-governmental organizations interested in the processes of the World Conference for the first time and keen to participate in the future sessions of the Intergovernmental Working Group should submit applications to the secretariat to this effect, in accordance with the criteria set out in Council resolutions 1996/31 and 1995/32;

“(e) The secretariat will post on the web site of the Office of the High Commissioner for Human Rights the procedures for applying to participate in the Intergovernmental Working Group. Applications from ‘new’ non-governmental organizations have to be received at least 120 days prior to the beginning of each session of the Working Group;

“(f) All the new applications will be submitted to the secretariat of the Intergovernmental Working Group. The secretariat will review the file and ensure that it is complete; Regional Coordinators will be informed about these proceedings. Once the file is complete according to the criteria enumerated in Council resolutions 1996/31 and 1995/32, the secretariat will circulate the names and addresses of the non-governmental organizations to all Member States. Any State that wishes to do so may consult the entire application file of the non-governmental organization. If no Member State makes an objection to the application within 14 days of the date of its circulation, the application will be considered as approved by the Working Group;

“(g) In the event of objections being received from a Member State on the participation of a specific non-governmental organization, the participation of that non-governmental organization will be suspended until the procedure for resolving objections relating to participation of specific non-governmental organizations is agreed upon by consensus;

“(h) The meeting of the Chairperson of the Intergovernmental Working Group and the Regional Coordinators for the above purpose will be held at least 30 days in advance of the beginning of the Working Group’s session.”

## **II. IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP**

15. The Intergovernmental Working Group considered agenda item 5 at its meetings, on 22, 23, 24, 27, 28 and 29 January 2003. It is to be recalled that item 5 (a) requests the Working Group to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and item 5 (b) requests the Working Group to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

16. At the 3rd meeting, the Acting Coordinator of the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights informed the Working Group about activities undertaken by the Unit to follow up on and implement the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

17. Also at the 3rd meeting, presentations were made by representatives of the ILO and UNESCO regarding their organizations’ initiatives to follow up on the World Conference.

18. The following States participated in the general debate under item 5: Argentina (3rd), Brazil (3rd), China (4th), Cuba (4th), Egypt (6th), Ethiopia (4th), Hungary (6th), Iran (Islamic Republic of) (4th), Mexico (3rd), Morocco (4th), Nigeria (6th), Norway (3rd), Pakistan (2nd), Slovakia (3rd), Switzerland (3rd), Syrian Arab Republic (4th), Thailand (3rd), South Africa (6th).
19. A general statement was also made by the observer for the Holy See (4th).
20. General statements were also made by the following non-governmental organizations: Indian Movement "Tupaj Amaru" (4th), Interfaith International (4th) and Migrants Rights International (3rd).
21. The Working Group examined the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on a chapter-by-chapter basis. The following States participated in the chapter-by-chapter discussion on item 5 (a): Argentina (5th, 6th, 7th), Brazil (5th, 6th, 7th), Chile (6th), Cuba (4th, 5th, 7th, 8th), Ecuador (5th, 6th, 7th), Egypt (4th, 5th, 6th, 7th, 8th), France (5th), Mexico (4th, 5th, 6th, 7th, 10th), Iran (Islamic Republic of) (10th), Nigeria (5th, 7th), Pakistan (8th), South Africa (4th, 5th, 6th, 7th), Sri Lanka (6th), Switzerland (4th, 6th, 7th, 8th), Syrian Arab Republic (6th, 7th, 8th), Thailand (4th, 6th) and Zambia (4th).
22. Statements were also made by the observer for the Holy See (4th, 5th).
23. The following non-governmental organizations also made statements under item 5 (a): Migrants Rights International (5th, 7th), Indian Movement "Tupaj Amaru" (5th, 7th, 8th), Interfaith International (6th) and International Confederation of Free Trade Unions (6th, 8th).
24. At the 8th meeting, on 27 January 2003, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a statement describing the activities that he is undertaking, in relation to his mandate, to encourage the implementation of the Durban Declaration and Programme of Action.
25. At its 9th meeting, on 28 January 2003, the Working Group considered item 5 (b).
26. At the same meeting, two members of the Committee on the Elimination of Racial Discrimination addressed the Working Group. The two experts outlined the actions taken by the Committee to facilitate the implementation of the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. They also had a preliminary exchange of views with the Working Group on the application of existing international standards and on the issue of complementary standards.
27. The following States made statements under item 5 (b): Argentina (9th), Brazil (9th), Cuba (9th), South Africa (9th), Switzerland (9th) and Syrian Arab Republic (9th).
28. At the 12th meeting, on 30 January 2003, the High Commissioner for Human Rights made a statement. He stressed his Office's commitment to combating racism and elaborated specifically on the activities of the Anti-Discrimination Unit in this field. He encouraged

States, non-governmental organizations and other actors to provide the Office of the High Commissioner for Human Rights on a regular basis with information regarding their follow-up activities to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the adoption of national action plans to combat racism. The following States made observations: Argentina, Pakistan, Mexico, South Africa and Syrian Arab Republic.

### III. ADOPTION OF THE RECOMMENDATIONS

29. At its 11th to 14th meetings, on 30 and 31 January 2003, the Intergovernmental Working Group considered the draft recommendations. As at 31 January 2003 the Working Group had not yet completed its consideration of the draft recommendations, the Chairperson-Rapporteur adjourned the meeting. On 21 March 2003, the Working Group resumed its work and adopted, at its 15th meeting, the final recommendations without a vote.

30. Statements on the recommendations were made by representatives of the following States: Algeria (12th, 14th), Argentina (11th, 12th, 13th, 14th), Brazil (11th, 12th, 13th, 14th), China (11th, 12th, 14th), Cuba (11th, 12th, 13th), Czech Republic (11th, 12th, 13th, 14th), Ecuador (12th, 13th), Egypt (13th, 14th), Ethiopia (11th, 13th, 14th), Georgia (13th, 14th), Ghana (12th), India (14th), Japan (13th, 14th), Jordan (14th), Lebanon (14th), Mexico (11th, 12th, 13th, 14th), New Zealand (11th, 14th), Nigeria (12th, 13th, 14th), Norway (11th, 12th, 13th, 14th), Pakistan (12th, 13th, 14th), Saudi Arabia (14th), South Africa (11th, 12th, 13th, 14th), Switzerland (11th, 12th, 13th, 14th) and Syrian Arab Republic (14th).

31. Statements were also made by the observer for the Holy See (12th, 13th, 14th).

32. Statements were also made by the following non-governmental organizations: Association of World Citizens (13th), Indian Movement "Tupaj Amaru" (14th), Interfaith International (11th), International Confederation of Free Trade Unions (11th), Migrants Rights International (11th, 14th).

33. Following is the text of the recommendations adopted by the Intergovernmental Working Group:

"The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, having convened its first session from 21 to 31 January 2003 in Geneva, and after having reflected on its mandate as elaborated in Commission on Human Rights resolution 2002/68 of 25 April 2002, decision 2002/270 of the Economic and Social Council of 25 July 2002 and General Assembly resolution 57/195 of 18 December 2002, adopts the following recommendations which are critical to its future programme of work:

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



“2. The Working Group emphasizes also, in that context, the fundamental and complementary role of the national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

“3. The Working Group recommends that all States formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

“4. The Working Group requests that States support the activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist;

“5. The Working Group reaffirms and emphasizes the importance of the effective implementation of and follow-up to all paragraphs of the Durban Declaration and Programme of Action, including those concerning the situation in the Middle East;

“6. The Working Group urges all stakeholders to provide the Office of the High Commissioner for Human Rights with detailed information on the follow-up to and the implementation of the Durban Declaration and Programme of Action, particularly on the issues chosen for the programme of the Intergovernmental Working Group for each session, so that the reports that the High Commissioner is required to submit to the Commission on Human Rights and the General Assembly can be as complete and comprehensive as possible, in order that those organs, as well as the Intergovernmental Working Group, the Working Group of Experts on People of African Descent, the five independent eminent experts, and other human rights mechanisms and treaty bodies will have the fullest and most comprehensive information available when undertaking their deliberations and making their recommendations;

“7. The Working Group appeals to the Secretary-General to appoint as soon as possible the five independent eminent experts as stipulated in the Durban Programme of Action, paragraph 191 (b) and in General Assembly resolution 56/266, paragraph 13;

“8. The Working Group invites the Office of the High Commissioner for Human Rights, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sport federations, to appoint, in the field of sport, goodwill ambassadors responsible for launching regional programmes of education of the youth of the world, through sport practised without discrimination of any kind;

“9. The Working Group invites the Office of the High Commissioner for Human Rights to designate and appoint goodwill ambassadors in all regions of the world drawn from the field of culture, including musicians, writers and film and media

personalities, to promote respect for human rights and a culture of tolerance and to assist the Office of the High Commissioner for Human Rights to raise funds and launch programmes for combating racism and all forms of discrimination;

“10. The Working Group requests the Office of the High Commissioner for Human Rights to further specify the terms of reference of its Anti-Discrimination Unit;

“11. The Working Group appeals for an early nomination of the outstanding expert for the Working Group of Experts on People of African Descent;

“12. The Working Group appeals to all stakeholders in the effective implementation of the Durban Declaration and Programme of Action to participate actively in the work of the future sessions of the Working Group;

“13. The Working Group invites United Nations programmes and bodies and specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization, to organize high-level and other meetings of the Dialogue among Civilizations and to report on the activities in this regard to the Working Group at its future sessions;

“14. The Working Group requests the Office of the High Commissioner for Human Rights to provide the Working Group, at its next session, with information on existing focal points for the implementation of the Durban Declaration and Programme of Action within the United Nations system, and invites United Nations programmes and bodies and specialized agencies which currently do not have focal points to designate them and coordinate their activities with the Office of the High Commissioner for Human Rights, including their active participation in the future sessions of the Working Group;

“15. The Working Group encourages human rights mechanisms and treaty bodies having mandates to address racism, racial discrimination, xenophobia and related intolerance to participate in the discussions of the Working Group, within their respective mandates, and to provide information on their activities;

“16. The Working Group invites United Nations bodies, programmes and funds, specialized agencies, and international financial, trade and development institutions to exchange information and to coordinate their activities with the Working Group with a view to mainstreaming the effective implementation of the Durban Declaration and Programme of Action in their policies, operational programmes and actions, and also invites them to participate in and contribute to discussions of the Working Group;

## **“Organization of work**

### **“Thematic section**

“17. The Working Group invites all stakeholders and implementing agents at the national, regional and international levels to participate in future sessions on a theme-by-theme basis to share practical information and their experiences with the Working Group and recommend further action and initiatives;

“18. The Working Group recommends that its future sessions be organized with a view to discussing and analysing all specific thematic issues that were identified in the Durban Declaration and Programme of Action, and to have a detailed, victim-oriented and concrete discussion that might more readily be of direct and tangible benefit to those who suffer from discrimination at all levels. Poverty and education should be kept in mind as major thematic issues;

### **“Complementary standards section**

“19. The Working Group agreed that there is a need for an effective and thorough assessment and evaluation of the existing international standards and instruments to combat against racism, racial discrimination, xenophobia and related intolerance. To this end, while keeping in mind the work done by other bodies and programmes of the United Nations system, the Working Group:

“(a) Invites the Committee on the Elimination of Racial Discrimination to consider evaluating and assessing, as appropriate, the current implementation of the International Convention on the Elimination of all Forms of Racial Discrimination in the context of manifestations of contemporary forms of racism and to provide the Working Group with its views on possible areas where complementary international standards might strengthen the fight against racism, racial discrimination, xenophobia and related intolerance;

“(b) Invites the other human rights treaty bodies to consider providing the Working Group with information on how they are using the respective conventions in order to combat racism, racial discrimination, xenophobia and related intolerance in their respective fields of competence;

“(c) Requests the Office of the High Commissioner for Human Rights to prepare a compendium of regional and international standards which combat racism, racial discrimination, xenophobia and related intolerance, to prepare an analytical report on these standards and identify possible areas where complementary international standards might be needed, and to make the compendium and the report available for the next session of the Working Group in order to assist the Working Group to fulfil its mandate to prepare complementary international standards;

**“Next session**

“20. The Working Group decided to structure its next session in four parts:

“(a) General statements. Participants will have the opportunity to exchange information on their implementation activities and to debate issues of general interest for the implementation process;

“(b) Thematic analysis. The Working Group will monitor the implementation process using a thematic approach to be analysed from the perspective of the victims;

“(c) Complementary standards. The Working Group will analyse the reports requested and make further recommendations on the subject;

“(d) Recommendations and future work;

“21. The Working Group decided to undertake, at its next session, a focused discussion on and analysis of the major issues of poverty and education.”

**IV. ADOPTION OF THE REPORT**

33. At its 15th meeting, on 21 March 2003, the Working Group adopted the draft report on the work of its first session and entrusted the Chairperson-Rapporteur with its finalization.

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