



General Assembly

Distr.
GENERAL

A/CONF.211/PC.3/9
18 September 2008

Original: ENGLISH

DURBAN REVIEW CONFERENCE
Preparatory Committee
Second substantive session
Item 4 of the provisional agenda

**REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE
PREPARATORY COMMITTEE AND THE DURBAN REVIEW CONFERENCE
AND CONTRIBUTIONS OF HUMAN RIGHTS BODIES AND MECHANISMS**

**Response by the Working Group of Experts on People of African Descent to
the questionnaire transmitted by the Secretariat (A/CONF.211/PC.2/2)**

Question 1

Kindly assess the implementation of the Durban Declaration and Programme of Action.

Response by the Working Group of Experts

1. The Durban Declaration and Programme of Action has a positive role in fighting against racism, racial discrimination, xenophobia and related intolerance, wherever such attitudes and behaviours may occur. The establishment of the Working Group of Experts on People of African Descent in 2002 was a rapid and immediate implementation of paragraph 7 of the Durban Programme of Action concerning victims of racism, racial discrimination, xenophobia and related intolerance. Moreover, a positive implementation of the Durban Declaration and Programme of Action can be seen in the adoption of affirmative actions and strategies by a growing number of countries, particularly in the Americas and countries of the European Union. Legislative and administrative frameworks against racism and racial discrimination adopted by these countries point to an encouraging start in implementing the anti-discrimination agenda of Durban.
2. However, attention should be drawn to the partial implementation of the Durban Declaration and Programme of Action. For example, the Programme of Action, in paragraph 4, called for participation of people of African descent in political, economic social and cultural life

and in the advancement of the countries in which they live. Unfortunately, six years of participation continues to be thwarted by countless impediments some of which are as follows: (i) Failure by law-enforcement officials to implement laws against unequal treatment; (ii) Police brutality against people of African descent; (iii) Unequal access to services which are crucial to long-term development of communities of African descent; and (iv) Unequal access to education, housing, health care and employment.

3. Further issues that must inform actions taken to combat racism against this sector of society are the following: (i) The question of identity evident among people of African descent in multiracial/multicultural societies dominated by rules of representation and negotiation dictated by white Western cultural values and (ii) A lack of respect and understanding for African-derived elements of the “intangible heritage” of persons of African ancestry, for example artistic manifestations, religious practices, kinship patterns (patterns of child rearing, etc.), values and attitudes. Gender issues with a special emphasis on the treatment of women of African descent in social, economic and political organization must also be taken into account. Equally, as prioritized in UNESCO’s Slave Route Project, the silence imposed on the Diaspora must be broken.

Question 2

On the basis of your experience, please assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as initiatives in this regard with a view to eliminating them.

Response by the Working Group of Experts

4. Contemporary forms of discrimination have taken a distinct character and affect the whole realm of human rights. Among these new forms, mention can be made of religious intolerance, which has given rise to islamophobia and christianophobia in many parts of the world. Another new manifestation is the practice of human trafficking, particularly the trafficking of young women and girls to developed countries to work as prostitutes for the benefit of traffickers. A further manifestation is that of racism towards people of African descent in the field of sports, especially in football. Mention should also be made of racial profiling that affects not only people of African descent, but also people of Asian descent, particularly following the events of 11 September 2001. Furthermore, the use of discourses based on race by political parties to garner votes incites, and constitutes in itself, a serious form of racism.

5. Elimination of contemporary forms of racism, racial discrimination, xenophobia and related intolerance is the responsibility of States as they bear the primary responsibility for promoting and protecting human rights. Effective action against racial profiling, for example, begins with the criminalization of the practice, punishment of violations and the provision of remedies and compensation to victims of racial profiling. Moreover, it is necessary that both educational measures and the sanctioning of those found guilty of such practices be strengthened. It should also be emphasized that those groups that are often subject to racial profiling should strictly observe the laws, customs, and the traditions of the countries where they reside. In doing so, the likelihood of hostile reactions by the populations in which they live and racial profiling might be ameliorated.

Question 3

Please identify concrete measures and initiatives for combating and eliminating all forms of manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

Response by the Working Group of Experts

6. The enactment and faithful implementation of anti-racism laws seem to be the best tools in combating racial discrimination and related practices. Administrative initiatives are also important and must be included in national plans of action to combat racism. The use of statistically racially disaggregated data in order to measure the enjoyment of human rights by racial groups is also of crucial importance. Consideration should also be given to the last report of the Working Group of Experts on People of African Descent which deals to a large extent with measures and initiatives for combating and eliminating racial discrimination.

Question 4

Kindly assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance and make suggestions in order to enhance them.

Response by the Working Group of Experts

7. The Working Group of Experts enjoys strong support from the Member States and civil society. The effectiveness of this mechanism will depend on a number of factors. The first of these has to do with implementation of the Working Group's recommendations by States and other stakeholders. The effectiveness of the mechanism also depends on the cooperation extended by States to the mechanisms, for example, cooperation in extending invitations to the Working Group to make country visits. With regard to the enhancement of the mechanisms, first the United Nations should provide more financial resources to support the activities of the Working Group. Secondly, States should have appropriate mechanisms specifically dealing with issues of racism. Another suggestion would be for the Working Group to identify prominent individuals who can act as champions or good-will ambassadors promoting the work of the Working Group in States with both large and small populations of African descent. Furthermore, in order to render a mechanism more effective, its mandate should be as clear as possible and it should be provided with all the necessary resources. States should assign experts in their countries to engage with mechanisms and facilitate the implementation of their recommendations; such experts should have the relevant necessary competencies.

Question 5

What are the steps that should be taken by governments to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration to the recommendations of the Committee on the Elimination of Racial Discrimination?

Response by the Working Group of Experts

8. States should not deny the existence of racial discrimination in their countries. More sustained measures are needed to sensitize and mobilize the public in all countries. Stakeholders should have the political will to follow up on their commitments. Those States that have not done so should ratify the Convention, while those that have made reservations should remove them.

Question 6

Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

Response by the Working Group of Experts

9. The Centre for Equal Opportunities and Opposition to Racism (CEOOR) in Belgium, a country visited by the Working Group, is a good example of best practices. The Centre has local branches throughout the country. It receives complaints and inquiries from aggrieved parties, makes referrals to other services and arranges mediation where necessary. Best practices could also take the form of truth and reconciliation commissions, such as the Commission that was established in South Africa after the defeat of Apartheid. In other cases, they take the form of an apology such as the Australian Prime Minister's address to the aboriginal population relating to historical injustices suffered by the indigenous population of Australia.
