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DURBAN REVIEW CONFERENCE
Preparatory Committee
Intersessional open-ended intergovernmental working group
to continue and finalize the process of negotiations on and
drafting of the outcome document
First session
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Agenda item 5

IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.3/9 OF 17 OCTOBER 2008 ENTITLED "CONTINUATION OF THE PREPARATORY PROCESS FOR THE DURBAN REVIEW CONFERENCE"

Technically reviewed version of the compilation of proposals submitted by delegations at the second substantive session of the Preparatory Commitee under each of the five sections of the draft outcome document as contained in document A/CONF.211/PC/WG.2/CRP.1 submitted by the Chairperson-Rapporteur of the working group

Criteria used for technical review:

- The structure of the current document follows PC.2/8;
- All themes and messages of the compilation have been preserved;
- Duplicate provisions were deleted;
- Similar paragraphs were merged;
- Provisions identical to the DDPA were removed;
- Provisions similar to the DDPA and thus weakening it were removed;
- Region-specific language was made general or deleted;
- Paragraphs from the compilation marked with an * for which no language has been submitted were condensed or deleted;
- Paragraphs were located in accordance with the objectives of the respective sections;
- The annex to section 4 containing examples of best practices is suggested to be removed;
- Grammatical corrections were made as well as soft editing;
- Subheadings in italics were temporarily introduced to facilitate future work.

SECTION 1:

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

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

(General provisions on DDPA, human rights, human dignity, cultural diversity, multiculturalism, sources, causes, forms, manifestations, political will, obstacles)

1. Reaffirms the DDPA in its entirety and the need to eradicate all manifestations of racism, racial discrimination, xenophobia and related intolerance in all parts of the world, especially in light of developments and challenges that have occurred since the adoption of the DDPA, and to combat those manifestations wherever they occur; (based on para 10 section 1)

2. Notes that the DDPA is an important milestone in the collective struggle of mankind against racism, racial discrimination, xenophobia and related intolerance. 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 DDPA in their national policy framework. Others have worked to streamline their policies in accordance with the DDPA. All these steps and efforts indicate progress in many cases; (merger paras 270, 267 section 1 and para 2 section 5)

3. Affirms that failure to fully implement the DDPA would result in the intensification of worrying racist and xenophobic trends, including the political instrumentalization and intellectual legitimization of racism as well as racist violence; (merger paras 38 and 268 section 1)

4. Notes 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. Further reaffirms the obligation of States to take action in this respect; (merger paras 9, 33 section 1)

5. Notes that other obstacles hampering progress in the collective struggle against racism and racial discrimination include weak legislation and policies, lack of effective strategies, lack of implementation of international legal framework and commitments, impunity on different grounds – including freedom of expression, counter-terrorism, and national security – as well as an increase in extreme right wing xenophobic political platforms. Hence the need to deal with this menace in all its forms and manifestations with all available tools at our disposal; (merger paras 189, 336 section 1);

6. Underlines that racial discrimination condoned by governmental policies violates human rights and may endanger friendly relations between peoples, cooperation among nations, and international peace and security; (para 304 section 1)

7. Confirms that respect for cultural diversity is an important tool to combat racial discrimination, while reiterating that cultural particularities cannot be invoked to derogate from international human rights law; (merger paras 69 and 259 section 1)

8. Alarmed at the intellectual and political resistance to multiculturalism, which is one of the root-causes of the resurgence of racist and xenophobic violence, reiterates that rejection of diversity has led to the negation of the very humanity of the immigrant, foreigner and other racial and religious minorities; (para 134 section 1)

(Racist theories, ideologies, doctrines, incitement to racial hatred, nationalist ideologies, national preference theories)

9. Notes that racist theories and ideologies of national superiority can find their roots inter alia in the failure to implement the DDPA, lack of proper education, abuse of information technology, and absence of affirmative action in favour of vulnerable groups; (merger paras 140, 150, 290, 68, 289, 148, 200, 70 section 1)

10. Notes that 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; (para 80 section 5)

11. Notes with deep concern the widening use by some groups and organizations of the opportunities provided by print, audio-visual and electronic media as well as scientific and technological progress, such as the Internet, to promote racist and xenophobic propaganda aimed at inciting societies throughout the world to racial hatred; (para 74 section 1)

12. Resolutely condemns any ideologies and practices based on racial discrimination or superiority which entail abuse of human rights and fundamental freedoms, and affirms that all States have the obligation to take all available measures to combat ideologies, activities and practices based on racial discrimination or superiority; (para 219 section 1)

(Racist crimes, hate crimes, urban violence)

13. Reaffirms the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups; (para 207 section 1)

(Poverty and racism)

14. Considers that poverty and social exclusion affecting certain sectors of society are cross-cutting themes relating to the various forms of discrimination; (para 4 chap 1)

(Armed conflict, ethnic, tribal violence, war crimes, crimes against humanity, genocide)

15. Deplores the numerous occurrences of internal conflicts and inter-ethnic and intra-religious or communal violence, including those that appear to be based on tribal lines, which have lead to casualties and killings, torture, massive displacement, rape and destruction of property and infrastructures, war crimes, crimes against humanity and genocide; (para 62 section 1)

16. Emphasizes that the multiple factors of a situation that might lead to genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, include the resurgence of systematic discrimination, the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence, and serious and systematic violation of human rights; (para 64 section 1)

17. Reiterates that freedom from discrimination on the ground of race is a fundamental principle of international humanitarian law and urges all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law prohibiting adverse distinction; (para 76 section 1)

18. Deplores also the use of Government-aligned or -organized irregular militia to oppress, murder and displace ethnic populations; (para 63 section 1)

(Slave trade, traditional forms of slavery, colonialism, historic injustices, remembering past tragedies, apologies)

19. Pays tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid; (para 329 section 1)

20. Welcomes the actions taken to commemorate the memory of victims of slavery and the slave trade, in particular the transatlantic slave trade, and the abolition of those historic tragedies, and stresses the need to similarly address the trans-Saharan slave trade and the slave trade in the Indian Ocean. Welcomes the adoption of GA Resolutions 61/19 and 62/122 related to the abolition of the transatlantic slave trade and remembrance of its victims and, in particular, the designation of 25 March as the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade; (merger paras 127, 338 section 1)

21. Appreciates the expressions of regret or remorse, apologies or payment of reparations, or restitution of cultural artifacts that have been forthcoming since the adoption of the DDPA; (para 15 section 1)

(Racial profiling, counter-terrorism)

22. 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; (para 34 section 1)

(Freedom of religion, incitement to religious intolerance, hatred, or violence, defamation of religion, freedom of expression)

23. Reaffirms the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and expresses concern over intolerance and discrimination in the name of religion or belief; (merger paras 55, 325 section 1)

24. Recognizes with deep concern the global rise in the number of incidents of intolerance and violence against members of religious minorities in various parts of the world motivated by Islamophobia, anti-Arabism, anti-Semitism and Christianophobia; (merger paras 44, 56, 57, 135 section 1)

25. Condemns any advocacy of racial or religious hatred which constitutes incitement to discrimination, hostility or violence, and recognizes that only a competent, independent and impartial tribunal established by law may determine, case by case, in a fair and public hearing, whether the facts presented qualify as incitement to racial or religious hatred; (merger paras 41, 59, 229 section 1)

26. Notes with concern instances of defamation of religions, which manifests itself in generalized and stereotypical association of religions, in particular Islam, with violence and terrorism, thus impacting negatively on the rights of individuals belonging to these religions, including Muslim minorities, and exposing them to hatred and discrimination. Such situations are further aggravated by the imposition of restrictions on the profession of religions, including restrictions on the construction of places of worship and their surveillance; (merger paras 2, 42, 43, 45, 46 section 1)

27. Notes that discrimination on multiple grounds of religion, ethnicity or culture further affects enjoyment by religious minorities of their basic human rights including economic, social and cultural rights. (para 46 section 1)

28. Reaffirms a holistic approach to human rights guaranteeing the indivisibility of all human rights, and stresses that the fight against racial and religious hatred should not serve as a pretext to legitimize impermissible limitations to freedom of expression; (merger paras 326, 327, 58 section 1)

(Holocaust)

29. Affirms that the Holocaust, which resulted in the murder of one third of the Jewish people, along with numerous members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; recalls again that the Holocaust must never be forgotten; (merger paras 181, 333 section 1)

(Middle East)

30. Expresses deep concern at the practices of racial discrimination against the Palestinian people as well as other inhabitants of the Arab occupied territories which have an impact on all aspects of their daily existence and prevent the enjoyment of fundamental rights, and renews the call for the cessation of all such practices; (para 93 section 5 streamlined and shortened)

31. Reiterates that the Palestinian people have the inalienable right to self determination and that, in order to consolidate the occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction of movement and arbitrary closure of their territories. Also notes that illegal settlements continue to be built in the occupied territories; (merger paras 127 section 5 – modified in accordance with DDPA – and 137 section 1 slightly shortened)

32. Reaffirms that a foreign occupation founded on settlements, laws based on racial discrimination with the aim of continuing domination of the occupied territory, as well as the practice of reinforcing a total military blockade, isolating towns, villages and cities from one another, contradicts the purposes and principles of the Charter of the United Nations; (para 72 section 1 shortened, similar para 9 section 4 deleted)

33. Reiterates deep concern about the plight of the Palestinian people under foreign occupation, including refugees and displaced persons, and urges respect for international human rights law, international refugee law and international humanitarian law, and calls for a just, comprehensive and lasting peace in the region; (merger paras 136, 138 section 1)

34. Re-emphasizes the responsibility of the international community to provide international protection, in particular from racism, racial discrimination, xenophobia and related intolerance, for civilian populations under occupation in conformity with international human rights law and international humanitarian law; (para 139 section 1 shortened)

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

(General provisions on victims, grounds of discrimination)

35. Acknowledges that all victims should receive the same attention, the same treatment and the same protection and that there should be no hierarchy among potential victims; (para 85 section 1)

(Africans and people of African descent)

36. Regrets recent attempts at the intellectual and scientific legitimization of racism, in particular the revival of negative stereotyping of Africans and People of African descent; (merger paras 39, 330, 91 section 1)

37. Identifies progress made in legislation and measures adopted by States to correct inequalities in access to education, health, housing, justice and employment by people of African descent.; (merger paras 243, 242 section 1)

(People of Asian descent)

(Indigenous people)

38. Notes progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, to enhance and strengthen their ethnic, cultural, religious and linguistic identities, and to ensure the exercise of their human 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; (para 88, 246 section 1)

39. Notes with appreciation the adoption of the UN Declaration on the Rights of Indigenous People and the creation of the Permanent Forum on Indigenous Issues, which have a positive impact on the protection of victims; (merger paras 87, 247, 335 section 1)

40. 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; (para 246 section 1)

(Migrants, refugees, asylum seekers, IDPs, stateless persons)

41. Recognizes that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices; (para 66 section 1)

42. Deplores the persistence of xenophobic attitudes and negative stereotyping of non-citizens, including by law enforcement officials and in the media, that have led to xenophobic violence and killings targeting migrants, refugees and asylum seekers; (merger paras 27, 221, 224, 23, 24, 26, 107, 111, 116, 303 section 1)

43. Stresses the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting zones, and stresses that it is inhuman and degrading for such areas to be “no-rights” zones for non-citizens in general, and for migrants, refugees and asylum seekers in particular; (merger paras 37, 109 section 1)

44. Recognizes the need to strengthen efforts towards fighting against illegal migration and the smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse, and reiterates the importance of protecting the rights of migrants whether regular or irregular; (merger paras 28, 110, 116 section 1)

45. Expresses deep concern at passed or proposed legislation that counters commitments made under international human rights law, in particular with respect to the rights of migrant workers and the members of their families; (merger paras 108, 142, 220, 244, 245 section 1)

46. Recognizes the need for a comprehensive and balanced approach in dealing with migration issues, including by strengthening international dialogue on migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between management of migration and the promotion of development; (para 30 section 1)

47. Reiterates that the international response and policies, including financial assistance, towards refugee situations in different parts of the world should not be guided by considerations of race, color, descent, national or ethnic origin, nor based on the culture, religion and language of the refugees, and urges the international community to grant economic and financial assistance to affected States, particularly in the developing world, in order to adequately address refugee crises, and to remove the root causes of displacement; (merger paras 143, 144 section 1)

48. Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, color, gender, religion, or national or ethnic origin, especially if such measures and legislation render a person stateless; (para 182 section 1)

(Roma, Gypsies, Sinti, Travellers)

49. Recognizes with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and expresses concern over the violence affecting these communities; (merger paras 31, 32, 82 section 1)

(Ethnic, linguistic and religious minorities)

50. Welcomes efforts aimed at developing consultation with bodies representing persons belonging to minorities; (merger 133 section 1)

51. Expresses deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities; (merger paras 145, 132 section 1)

52. Affirms that the identity of persons belonging to national or ethnic, religious and linguistic minorities must be protected and that such persons should be treated equally

and enjoy their human rights and fundamental freedoms without discrimination of any kind, including discrimination based on work and descent; (para 131 section 1)

53. Acknowledges that a most disturbing phenomenon is the intellectual and ideological validation of Islamophobia. When it is expressed against migrants it takes the form of religious-ethnic or religious-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. 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 the fight against terrorism and the occupation of foreign territories and peoples; (para 45 section 1)

(Trafficking)

54. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons; (para 119 section 1)

55. Recognizes the need to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions; (para 118 section 1)

56. Notes efforts by States and organizations to prevent and combat trafficking in persons and to enhance the protection of and assistance to victims of trafficking in persons, for instance the development of action plans and best practices, standards and procedures for combating and preventing trafficking in human beings; (para 120 section 1)

(Contemporary forms of slavery)

57. Recalling that slavery and slavery-like practices were recognized in the DDPA as crimes against humanity, recognizes that victims of slavery and slavery-like practices are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel slavery and slavery-like practices; (merger paras 15 a), 21 section 1)

58. Deplores the lack of willingness of certain countries to adopt measures to end enslavement and slavery-like practices, including contemporary forms of slavery, debt bondage, slavery, sexual exploitation or labour exploitation, which constitute flagrant violations of human rights; (para 126 section 1)

59. Stresses that the issue of contemporary forms of slavery needs to be given greater prominence and priority if these practices are to be eradicated once and for all; (para 16 section 1)

(Multiple discrimination)

60. Reiterates that discrimination on multiple grounds, as laid down in the DDPA, further affects the enjoyment of basic human rights and can lead to particular targeting or vulnerability (merger paras 3, 52 section 1), and welcomes measures to address multiple and aggravated forms of discrimination, particularly the efforts to adopt or improve penal or civil legislation in order to address these phenomena; (merger of 48, 49, 218, 237, 260, 50 section 1)

61. Notes with concern increased instances of discrimination on the multiple grounds of race and religion since 2001; (para 3 section 1)

(Women, gender, children)

62. Strongly condemns all acts of violence, whether these acts are perpetrated by States, private persons or non-State actors, against women and girls and calls for the elimination of all forms of gender-based violence in the family, within the general community, and where perpetrated or condoned by the State, in accordance with international human rights norms and standards, including the Declaration on the Elimination of Violence against Women; (merger 53, 54 section 1)

63. Stresses the need to treat all forms of violence against women and children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance and effective counseling; (para 104 section 1)

64. Underlines the challenges and obstacles to changing discriminatory attitudes and gender stereotypes and stresses that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women; (para 60 section 1)

65. Recognizes with concern that instances of racism, racial discrimination, xenophobia and related intolerance lead to sexual exploitation of women and children especially the girl child; (para 105 section 1)

66. Acknowledge that although all children are exposed to violence, some children, because of their gender, race, ethnic origin, disability or social status, are particularly vulnerable; (para 141 section 1)

(Migrant women)

67. Expresses deep concern at continuing reports of grave abuses and violence committed against migrant women and children (also nationals), including gender-based violence, in particular sexual violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labor practices and exploitative conditions of work; (para 102 section 1)

(HIV/AIDS)

68. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate multiple discrimination against persons living with HIV/AIDS; (para 187 section 1)

(Sexual orientation)

69. Condemns all forms of discrimination and all other human rights violations based on sexual orientation; (para 51 section 1)

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

(General provisions on measures)

70. Recognizes that prevention is a key element of any political strategy to combat racism, racial discrimination, xenophobia and related intolerance, to promote cohesion, and to tackle community tensions; (merger paras 166, 171 section 1)

71. Stresses the necessity of increasing appropriate preventive measures in order to eliminate all forms of racial discrimination and the important role that Governments, international organizations, the media, non-governmental organizations and civil society can play in developing such measures and building confidence between different racial and ethnic groups; (para 169 section 1)

(Monitoring, data collection)

72. Notes with appreciation the activities of information networks on racism and xenophobia in some countries which collect relevant information and develop strategies to combat these phenomena, while also highlighting and disseminating good practices in tackling them; (para 154 section 1 modified)

73. 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, analyzing 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; (para 156 section 1)

(Tackling discrimination in (access to) education, employment, health)

74. Welcomes the adoption of legislation to address discrimination and victimization in employment and training, the provision of goods, facilities and services, education, housing and public functions; (para 251 section 1)

75. Welcomes preventive initiatives to tackle discrimination in employment such as programmes for training and counseling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some further experiments with contract compliance and anonymous job applications; (para 167 section 1)

(National action plans)

((Human rights) education, training or sensitizing professionals, awareness raising, communication

76. Believes that education, including human rights education, is essential to the realization of all human rights and fundamental freedoms, is key for the promotion of respect for the cultural diversity of societies, and contributes significantly to promoting equality and preventing conflict and human rights violations, as well as enhancing participation and democratic values, with a view to developing societies in which all human beings are valued and respected; (merger paras 158, 161 section 1)

77. Recognizes that national legislation to promote human rights education has been approved in all regions of the globe after the adoption in 2001 of the DDPA, particularly in order to sensitize the public at large with regard to the cultural identity of minorities; (para 157 section 1 shortened and slightly modified)

78. Acknowledges the development and implementation of training and educational activities on human rights from an anti-racist and anti-sexist perspective, in particular for public officials, as well as awareness-raising and information campaigns; (merger paras 186, 195, 332 section 1)

(Intercultural dialogue, interreligious dialogue)

79. Affirms the need to intensify engagement by all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding with a view to overcoming existing gaps in perceptions, concepts and ideas; (para 321 section 1)

80. Reaffirms that the eradication of racism, racial prejudice and xenophobia should aim not only to promote equality and eliminate discrimination but also to promote interactions between ethnic, cultural and religious communities, in particular in multicultural societies; (para 258 section 1)

81. Notes with appreciation the increasing number of initiatives to promote intercultural dialogue; (para 318 section 1)

(Political parties and programmes, political participation, Parliaments)

(National institutions, national specialized bodies and mechanisms)

82. Notes significant progress in the creation of independent national human rights institutions addressing racism, racial discrimination, xenophobia and related intolerance, as well as specialized State bodies and mechanisms responsible for formulating and implementing public policies to eradicate discrimination and to promote racial equality; (merger paras 261, 213, 274 section 1)

83. Deplores the fact that some countries have not yet established independent human rights and other relevant institutions; (para 275, part 1 section 1)

(Media)

84. Takes note that while much progress is still needed, particularly in the area of self-regulation and diversity training of media professionals, important action has taken place since the adoption of the DDPA. Diversity training for journalists has been promoted as a key preventive measure against negative stereotyping and discrimination. Independent media councils composed of media professionals charged with 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; (para 331 section 1)

(Civil society, NGOs)

85. Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil society; (paras 214 section 1)

86. Welcomes the role and participation of civil society, human rights non-governmental organisations, and human rights defenders in the struggle against racism, racial discrimination, xenophobia and related intolerance, in particular the implementation of the Durban Declaration and the Plan of Action; (para 277, 279 section 1)

87. Notes with concern the precarious situation of human rights defenders and non-governmental organisations, including anti-racist non-governmental organizations, which undermines the struggle against racism, racial discrimination, xenophobia and related intolerance; (merger para 280, 283 section 1)

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

(Law enforcement, administration of justice, access to justice, sanctions)

88. Recalls that access to justice implies the possibility of defending a case before a tribunal, as well as the proper functioning of the whole system of administration of justice, including affirmative action for vulnerable groups, as needed. The obstacles that impede access to justice are often connected to discriminatory practices affecting vulnerable groups. These groups face difficulties in accessing justice because of different kinds of barriers, in particular cultural and linguistic barriers; (para 227 section 1 modified)

89. Affirms the importance of an effective and independent judiciary to allow the victims of racism to seek adequate redress; (para 226 section 1)

90. 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; (merger paras 232, 233 section 1)

91. Stresses the need to strengthen the information related to access to mechanisms for reporting complaints or providing assistance during legal proceedings for victims of racism, for instance by developing awareness campaigns or by establishing special complaints boards; (para 228 section 1)

92. 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; (para 248 section 1)

(International tribunals, ICC)

93. Expresses its full support of the work of the existing international criminal tribunals and calls for the universal ratification of the Rome Statute of the International Criminal Court; (para 314 section 1)

94. Expresses concern over the lack of willingness of certain countries to cooperate with international criminal tribunals; (para 313 section 1)

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

(Democracy, elections)

95. Recalls that democracy is incompatible with the continued existence of racism; (para 255, section 1)

96. Notes progress made by some States in the field of democracy, the rule of law, transparent, responsible, accountable and participatory governance, including through electoral support such as assistance and election observation missions in line with best international practice, but notes also that challenges remain in parts of the world; (merger paras 263, 264, 275 (part 2) section 1)

(Affirmative action, special measures, positive action)

97. 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; and 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; (merger paras 174, 188 section 1)

(OHCHR, UN system, international and regional organizations, international cooperation, technical assistance or cooperation)

98. Recognizes the valuable role played by regional organisations and institutions in the fight against racism, racial discrimination, xenophobia and related intolerance; (para 285 section 1)

99. Notes financial initiatives in support of the fight against racism, racial discrimination, xenophobia and related intolerance; (para 286 section 1)

100. Welcomes the important initiatives to combat anti-Semitism, hate crimes, racism, xenophobia and discrimination as well as intolerance and discrimination against Muslims; (para 337 section 1)

101. 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; (para 253 section 1)

102. Re-emphasizes the importance of international cooperation to promote (a) the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation of international treaties and instruments that forbid these practices; (c) the implementation of the United Nations and of States' obligations in this regard; and (d) the elaboration of further global strategies to combat new manifestations of racism, racial discrimination, xenophobia and related intolerance (merger paras 340, 300 section 1)

SECTION 2:

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

I. General

103. Expresses its appreciation for the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance undertaken by the mechanisms established following the request of the World Conference against racism, racial discrimination, xenophobia and related intolerance, namely the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Independent Eminent Experts Group, the Working Group of Experts on People of African Descent, and for the contributions they have made to implement the Durban Declaration and Program of Action; (based on paras 1, 2, 3, 4, 71, 73 and 74)

104. Welcomes the important role played by, inter alia, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 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 Special Rapporteur on the human rights of migrants, the Special Rapporteur on freedom of religion or belief, the United Nations Permanent Forum on Indigenous Issues, the former Sub Commission on the Promotion and Protection of Human Rights and its Working Groups, the Special Rapporteur on trafficking in persons, the Special Rapporteur on contemporary forms of slavery, and the Expert mechanism on the rights of indigenous peoples in the fight against racism, racial discrimination, xenophobia and related intolerance; (based on paras 1, 2, 3, 4, 71, 73 and 74)

105. Acknowledges the need to enhance further the effectiveness of the system of mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance within the framework of the universal system of human rights with a view to achieving better coordination, consistency and complementarity in their work, as well as giving due account to their output in the mainstreaming of human rights within the UN system; (based on paras 5 and 6 section 2)

106. Asserts that the effectiveness of mechanisms dealing with or addressing issues of racism, racial discrimination, xenophobia and related intolerance is linked to or depends on different factors, in particular:

- The political will or commitment of States to cooperate with them, including to follow up on their recommendations;
- The proliferation of mechanisms;

- The level of visibility and accessibility of mechanics to the outside world, in particular for victims of racism and racial discrimination;
- A coherent approach, which decreases the risk of overlapping, duplication and inconsistencies;
- Effective cooperation and coordination among various mechanisms as well as interaction with CERD, the HRC and the General Assembly;
- Effective collaboration with civil society and victims;
- Adequate funding and servicing;

(based on paras 8, 9, 11, 12 section 2)

II. Durban follow-up mechanisms

107. 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 with a view to contribute 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; (para 13 section 2)

A. Working Group of Experts on People of African Descent (WGPAD)

108. Acknowledges the importance and significance of the work and efforts of the Working Group of Experts on People of African Descent in analyzing the current situation, conditions and extent of racism against persons of African descent in the African Diaspora; (paras 37, 38 section 2)

109. Requests the Working Group of Experts on People of African descent to collaborate closely with all other mechanisms dealing with the fight against racism and discrimination in order to ensure a global and comprehensive approach to the fight against racism and discrimination and the equal treatment of all victims; (para 43 section 2)

B. Intergovernmental Working Group on the Effective Implementation (IGWG) of the DDPA

110. Welcomes the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action; (merger paras 34, 36 section 2)

111. Regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on a major accomplishment of the Durban World Conference against Racism regarding the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and the agreement to qualify the slave trade as a crime against humanity; (para 35 section 2)

C. Five Independent Eminent Experts

112. 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; (para 44 section 2 slightly modified)

113. Calls the independent eminent experts on the implementation of the Durban Declaration and Programme of Action to develop appropriate methods of work that promote better links between this group of experts and Governments and non-governmental organizations; (para 44 section 2 modified)

114. Recommends that the Intergovernmental Working Group on the Follow-up to DDPA and the Five Eminent Persons be abolished and replaced by an appropriate body with the mandate to collaborate with the OHCHR to assist states in implementing the provision of the DDPA addressed to them; (para to be considered in conjunction with para 97 above) (para 53 section 2 modified)

III. Other mechanisms

A. Ad Hoc Committee on the Elaboration of Complementary International Standards

115. Takes note of the creation of the Ad Hoc Committee on the elaboration of complementary standards with a view to implementing the recommendation contained in the Durban Program of Action "to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects"; (based on para 36 section 2)

116. Takes note with appreciation that the Ad Hoc Committee convened its first session and has discussed different issues pertaining to the fulfillment of its mandated task; (based on para 51 section 2)

117. Welcomes the roadmap agreed by the Ad Hoc Committee on the elaboration of complementary standards at its first session and encourages Member States to submit in a timely manner their contributions as outlined in the roadmap with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action; *(statement based on outcome of Ad Hoc Committee session)*

B. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

118. 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, while ensuring a global and universal approach to the fight against racism and racial discrimination and avoiding any hierarchy in the treatment of victims; (merger paras 64, 67 section 2)

119. Welcomes the recent review and extension of the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance; *(statement based on relevant HRC decision)*

C. Special Adviser on the Prevention of Genocide

120. Reaffirms its full support for the mandate of the Special Adviser of the Secretary General on the prevention of genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide; (para 77 section 2)

SECTION 3:

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

General

121. Reaffirms that the International Convention on the Elimination of All Forms of Racial Discrimination is a core international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms, and requests CERD to step up its efforts in response to new challenges; (merger paras 4, 47, 48 section 3)

122. Welcomes the broad interpretation given by CERD to the definition of the concept of racial discrimination and encourages the Committee to continue addressing double and multiple forms of discrimination; (merger para 60 section 2 and para 51 section 3).

123. While welcoming the information provided by some States in their periodic reports on the progress made in the follow up to CERD's recommendations, regrets the continuing failure of a large number of States to act on the Committee's concluding observations; (para 58 section 3)

Ratification

124. Welcomes the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by a number of countries since the World Conference against Racism of 2001, while regretting that the goal of universal ratification by 2005 was not achieved, the total number of ratifications increasing to 173 by March 2008; (merger paras 2, 3 section 3)

125. Renews in this context its call to States that have not yet done so to ratify or to accede to the ICERD as a matter of high priority in accordance with their commitments to the DDPA; (para 9 section 3)

Declarations and reservations

126. Reiterates its call to States Parties to the ICERD to consider making the declaration under article 14 of the Convention to enable victims to resort to the envisaged remedy; (based on paras 10, 11, 12, 13 section 3)

127. Acknowledges that the potential of the procedure set up in article 14 of the Convention has not been fully exploited and requests States Parties to the ICERD to increase awareness of this procedure; (based on paras 10, 11, 12, 13 section 3)

128. Urges States Parties to the ICERD to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations; (based on paras 10, 11, 12, 13 section 3)

Reporting

129. Expresses its concern at the delays in the submission of reports by the Sates Parties to the Committee on the Elimination of Racial Discrimination, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function; (para 24 section 3 slightly modified)

130. Reiterates that timely submission of reports by States Parties to ICERD is an obligation under article 9 of the Convention and urges States Parties to the Convention to comply with their reporting obligations; (new language based on para 16 section 3)

131. Encourages the States Parties to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action; (para 15 section 3 slightly modified).

132. Acknowledges that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant civil society actors, conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the ICERD; (para 18 section 3)

133. Encourages the States Parties to engage with civil society while preparing their periodic reports; (para 20 section 3 slightly modified)

134. Encourages non-governmental organizations to continue to provide the Committee on the Elimination of Racial Discrimination with relevant information for the reporting process; (para 21 section 3 slightly modified)

135. Calls upon the States Parties 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 ICERD; (para 22 section 3)

Implementation

136. Notes that the innovative procedures established by the CERD and applied in cooperation with States concerned can play a conducive role for a proper implementation of the Convention; (para 37 section 3 modified)

137. Welcomes in this regard the early warning and urgent action procedure which allowed the Committee to make recommendations to States Parties as well as, through the UN Secretary-General, to the UN Security Council to prevent serious violations of the

Convention, in particular those that could lead to ethnic conflict and violence; (merger paras 38 section 3 and 59 section 2 slightly modified).

138. Notes the decision of the CERD to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications from individuals or groups of individuals; (merger paras 39 section 3 and 59 section 2).

139. Considers that in order for the struggle against racism and racial discrimination to advance it is important that States Parties act upon and implement the recommendations addressed to them in concluding observations with a view to assisting them in an effective implementation of the Convention; (para 58 section 3)

140. Emphasizes the importance of setting up appropriate national monitoring and evaluation institutions or mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the CERD; (para 35 section 3 slightly modified)

141. Encourages such institutions or mechanisms to monitor closely follow-up on the concluding observations and recommendations of the CERD; (para 17 section 3, shortened, modified)

142. Affirms that international cooperation and technical assistance plays an important role in assisting countries, especially developing countries, in the implementation of their obligations under the ICERD and the follow up on the recommendations of CERD; (merger paras 43, 27 section 3)

143. Calls on CERD and the Human Rights Committee to elaborate model legislation on incitement to racial and religious hatred and freedom of expression; (para 96 b) section 5)

SECTION 4:

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

144. Takes note with interest of numerous examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders; (new)

145. Emphasizes that the best practices that have been developed during efforts to implement the DDPA, applied in a holistic manner, can be effective tools in addressing discrimination, marginalization and exclusion of affected and vulnerable groups, as well as all victims of racism, racial discrimination, xenophobia and related intolerance; (new)

146. Recognizes that a broad sharing of best practices in all regions of the world aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, with a view to their adaptation and replication, can assist Governments, Parliaments, the judiciary, social partners and civil society to implement more effectively the provisions of the DDPA; (new)

147. Recommends that States, regional and international organizations and other stakeholders consider making use of relevant best practices in, inter alia, the following spheres, including through a cooperative approach and international assistance initiatives: (new)

- Institutional frameworks, including independent monitoring mechanisms
- Strategies, policies, plans and programs
- Legislation
- The rule of law, access to justice, combating impunity
- Apologies, reparations, restitutions and compensations
- Social and public services
- Health care
- Housing
- Promotion of diversity, intercultural and interreligious dialogue
- Equal opportunities
- Gender
- Culture
- Sport and leisure activities
- Inclusive education, training and awareness-raising
- Mass media and the Internet
- Statistics and data collection

148. Recommends that examples of best practices provided for by Governments, regional and international organizations and other stakeholders are placed on the OHCHR website; (new)

SECTION 5:

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

General

(General provisions on DDPA, human rights, human dignity, cultural diversity, multiculturalism, sources, causes, forms, manifestations, political will, obstacles)

149. Stresses the need for a comprehensive and universal approach to combating racism, racial discrimination, xenophobia and related intolerance in all parts of the world; (para 124 section 5)

150. Stresses the need for advocating and mobilizing the political will of relevant actors at the national level for the elimination of racism, racial discrimination, xenophobia and related intolerance; (para 79 section 5)

151. Calls on States to undertake effective media campaigns to enhance the visibility of the Durban Declaration and Programme of Action and its follow up mechanisms; (para 11 a) section 2 shortened)

Action at the national level

(Racist theories, ideologies, doctrines, incitement to racial hatred, nationalist ideologies, national preference theories)

(Racist crimes, hate crimes, urban violence)

152. Calls on States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to grant appropriate redress for victims; (para 112 section 5)

153. Urges States, as a matter of priority, to punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments; (para 295 b) section 5)

154. Invites Governments and their law enforcement agencies to collect reliable information on hate crimes in order to combat racism and other forms of discrimination; (para 236 section 5)

(Poverty, globalization)

(Armed conflict, ethnic, tribal violence, war crimes, crimes against humanity, genocide)

155. Urges States to combat impunity for crimes of genocide; (merger paras 312, 273 section 1 and 149 section 5)

(Slave trade, traditional forms of slavery, colonialism, historic injustices, remembering past tragedies, apologies)

156. Urges States that have not yet condemned, apologized and paid reparations for the grave and massive violations as well as the massive human suffering caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, to do so at the earliest; (para 116 section 5)

(Racial profiling, counter-terrorism)

157. Urges States to prohibit by law the practice known as racial profiling and profiling based on any grounds of discrimination recognized under international human rights law and the DDPA, to adopt other necessary measures to eliminate this practice, to provide sanctions for those who violate the law, and to ensure effective redress for victims; (para 101 section 5 slightly modified)

158. Calls on States to ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, national or ethnic origin, nor on the grounds of culture, religion, belief, names, appearance or language, and to ensure that non-citizens are not subjected to racial or ethnic profiling or stereotyping; (merger paras 84, 235, 34 section 1 and 52 section 3)

(Freedom of religion, incitement to religious intolerance, hatred, or violence, defamation of religion, freedom of expression)

159. Urges States to take effective measures to address contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and to take firm action against negative stereotyping of religions and defamation of religious personalities, holy books, scriptures and symbols; (para 100 section 5)

160. Calls on States to develop, and where appropriate to incorporate, permissible limitations on the exercise of the right to freedom of expression into national legislation; (para 96 c) section 5)

161. Reminds States to promote and protect the exercise of the rights set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981, in order to obviate religious discrimination which, when combined with certain other forms of discrimination, constitutes a form of multiple discrimination; (para 94 section 5)

162. Calls on States to ensure that lawmakers 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 into account General Comment 15 of the Committee on the Elimination of Racial Discrimination; (para 96 a) section 5)

(General provisions on victims, grounds of discrimination)

(Africans and people of African descent)

163. Urges States to put policies in place that 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; (para 64 section 5)

164. 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, assistance to and the building of the capacities of indigenous young people and those of African descent; (merger paras 69, 176 section 5)

(People of Asian descent)

165. Calls upon States to continue to address the problems of racism, racial discrimination, xenophobia and related intolerance against people of Asian descent and urges States to take all necessary measures to eliminate the barriers that these persons face in participating in economic, social, cultural and political life; (para 59 section 5)

(Indigenous people)

166. Urges States to take measures that, congruent with international human rights standards and the respective legal systems of each State, ensure access to 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; (para 61 section 5)

(Migrants, refugees, asylum seekers, IDPs, stateless persons)

167. 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 of States Parties on whose territory foreign nationals are detained to inform them of their right to communicate with their consular officers; (para 46 section 5 shortened)

168. Urges States to prevent racist and xenophobic behaviour and practices at country entry points and in reception and waiting areas, in particular vis-à-vis immigrants, refugees and asylum seekers; (para 52 section 5 modified)

169. Urges States to establish national programmes to promote the access, without any discrimination, of migrants and other racial, ethnic, national, cultural, religious and linguistic groups or minorities and indigenous peoples, where they exist, to basic social services, including primary education and basic health care; (para 55 section 5)

170. Renews the call on all States to review and, where necessary, revise immigration policies inconsistent with their international human rights obligations, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent; (para 114 section 1)

171. Urges States who have not yet done so to adopt and enforce new legislation in order to provide protection to migrant domestic workers, particularly women domestic workers, and to grant migrant workers in domestic service access to mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on States to promptly investigate and punish all abuses, including ill-treatment; (para 203 section 1)

172. Urges Member States, in discharging their responsibilities towards internally displaced persons, to use comprehensive strategies, based on a human rights perspective and specialized public care policies, to provide these persons with protection and assistance during their displacement through their competent national institutions, and urges States to commit to seeking lasting solutions, including the safe return of internally displaced persons, in dignified conditions and in accordance with the will of the internally displaced persons, leading to their resettlement and reintegration; (para 77 section 5)

173. Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on the grounds of race, color, gender, national or ethnic origin, especially if such measures and legislation render a person stateless; (merger paras 182, 146 section 1)

(Roma, Gypsies, Sinti, Travellers)

(Ethnic, linguistic and religious minorities)

(Trafficking)

174. 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, such as 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, that victims are protected and their rights restituted; (para 78, part 1 section 5)

(Contemporary forms of slavery)

(Multiple discrimination)

175. Notes that the character of multiple and aggravated forms of discrimination underscores the need for cross-cutting policies; (para 27 section 5 modified)

(Women, gender, children)

176. Calls upon States to make progress in formulating programmes and measures to eradicate multiple or aggravated discrimination, particularly gender-based discrimination; (para 74 section 5)

177. Urges States to adopt specific measures to promote a gender perspective and gender mainstreaming and to fight gender discrimination effectively; (para 103 section 1 modified)

178. 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; (para 72 section 5)

(General provisions on measures)

(National legislation)

179. Underlines the importance of combating impunity for crimes with a racist or xenophobic motivation, including through the adoption of appropriate legislation; (para 230 section 1)

180. Urges States to amend, rescind or nullify regulations which can be interpreted as contributing to racism, racial discrimination, xenophobia and related intolerance; (para 18 section 5 modified)

181. Urges States to adopt and implement stringent laws against political platforms and ideologies based on racism, racial discrimination, xenophobia and related intolerance or doctrines of racial or national superiority; (merger paras 95, 81 section 5)

(Law enforcement, administration of justice, access to justice, sanctions)

182. Urges States to take appropriate measures concerning the consequential effects of racism in 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; (para 115 section 5 modified)

183. Urges States to bolster protection against racism, racial discrimination, xenophobia and related intolerance, ensuring that everyone enjoys access to the administration of justice, to 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; (para 17 section 5)

184. Also recognizes the need to adopt and implement stringent laws, administrative measures and action plans aimed at countering all forms of racism, racial discrimination, xenophobia and related intolerance, to carry out exhaustive, timely and impartial investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, to penalize those responsible in accordance with the law and to secure prompt and fair reparation for the victims; (para 234 section 1 modified)

(Monitoring, data collection)

185. Recommends that States establish mechanisms through which disaggregated information can 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 addressing racial discrimination, xenophobia and related intolerance; (merger paras 153, 208, 153 section 1)

186. 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; (para 104 section 5)

(Tackling discrimination in (access to) education, employment, health)

(National action plans)

((Human rights) education, training or sensitizing professionals, awareness raising, communication)

187. Requests States to include human rights education in national action plans against racism, racial discrimination, xenophobia and related intolerance, as set forth in the World Programme for Human Rights Education, in order to foster respect for and appreciation of differences and opposition to discrimination on the grounds of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental

condition, and on other grounds; (para 82 chapter 5 new proposal by delegations on 17 October 2008)

188. Urges States, regional and international organizations and civil society to continue promoting respect for multiracial, multicultural, and multi-ethnic aspects of societies and to spread human rights awareness, with a view to preventing and combating all forms of racism, racial discrimination, xenophobia and related intolerance; (para 135 section 5 modified)

189. Encourages States to develop national capacities for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education; (para 225 section 1)

(Intercultural dialogue, interreligious dialogue)

190. Urges States, as a matter of priority:

    a. to promote intellectual and political acceptance of multiculturalism through a rights-based approach to victims of racism, racial discrimination, xenophobia and related intolerance; (para 134 section 1)

    b. to demonstrate firm political will to combat the rise in racial discrimination and religious intolerance, and to promote mutual respect and understanding of cultural diversity; (para 295 (a) section 1)

191. Encourages all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding amongst various cultures and civilizations; (para 88 section 5)

192. Invites States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels, taking into account the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on freedom of religion or belief; (merger para 98, 99 section 5)

(Political parties and programmes, political participation, Parliaments)

193. Urges States to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society, and to study the possibility of introducing, whenever possible, affirmative action quotas for the election to Parliaments of indigenous and female representatives and persons of African descent; (merger paras 89, 92 section 1, 20, 43 section 4, 62 section 5)

194. Urges States to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion of and discrimination against specific sectors of society, for instance by accepting electoral support proposals; (para 299 section 1)

195. Encourages Parliaments to consider addressing the issue of racism and discrimination, for instance by submitting reports containing recommendations for consolidating legislation against discrimination and proposals to enhance policies to fight racism; (para 302 section 1)

(Affirmative action, positive measures)

196. Encourages States to promote strategies, programmes and policies, including affirmative action, at the national level to realize fully the civil and political rights of victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to political, judicial and administrative institutions; (para 28 section 5 modified)

197. Encourages States to promote at the national level strategies, policies and programmes, including affirmative action, for the promotion and protection of the economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance and for affording greater opportunities to them to share in the prosperity and wealth of the societies they live in, as well as for guaranteeing that the benefits of development, science and technology contribute effectively to the improvement of the quality of life of such victims and remedy historical exclusion; (merger paras 25, 29 section 5)

198. 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; (para 67, section 1)

(National institutions, national specialized bodies and mechanisms)

199. 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; (merger para 68 section 5 and 45 section 1)

(Media)

200. Urges States to take necessary measures to denounce, actively discourage and prohibit the transmission of racist and xenophobic messages through all communications media, including new communications technologies such as the Internet; (para 106 section 5)

(Civil society, NGOs)

201. Requests all States to protect human rights defenders and allow them to work freely for the promotion and protection of human rights; (para 33 second part section 2)

202. Invites States to establish, or, where appropriate, to increase funding for 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 fora that administer and transfer the resources held in such funds; (para 121 section 5)

203. Renews our commitment to create an atmosphere conducive to the effective functioning of human rights non-governmental organisations and to adhere to international obligations concerning human rights non-governmental organisations, and to lift any unlawful barriers to their effective functioning; (para 281 section 1)

Action at the Regional level

(Regional organizations)

204. Urges States to improve governmental and inter-institutional coordination mechanisms at the regional level in efforts to combat all forms of discrimination and to strengthen cooperation thereon with regional and international organizations; (para 136 section 5)

205. Recommends the establishment of regional mechanisms against racism and discrimination, including complaint mechanisms; (para 19 section 2)

Action at the International level

(International cooperation)

206. Resolves to extend international cooperation to maximize the benefits of globalization with a view to the realization of economic, social and cultural rights and the right to development as a major contribution to the fight against racism, racial discrimination, xenophobia and related intolerance; (para 133 section 5)

207. 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; (para 53 section 5)

208. Recognizes the need for a comprehensive and balanced approach in dealing with migration issues, including by strengthening international dialogue on migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between the management of migration and the promotion of development; (para 30 section 1)

209. Urges replication of 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; (para 306 section 1)

210. Urges States to strengthen 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; (para 78, part 2 section 5)

(Sports)

211. Invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination; (para 9 section 5)

212. Invites the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the High Commissioner for Human Rights in her capacity as the Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies; (para 153 section 5)

The international legal framework

(International legislation, soft law, code of conduct)

213. 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; (merger paras 117, 118 section 5)

214. Urges States to consider acceding to and ratifying the Convention on the Rights of Persons with Disabilities to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres; (para 119 section 5 modified)

215. Underlines the importance of combating impunity at the international level for crimes with a racist or xenophobic motivation, including through the adoption of appropriate legislation; (para 230 section 1)

216. Stipulates that national laws alone cannot deal with the issue of defamation or negative stereotyping of religions. A framework is needed to provide guidelines for States – aimed at countering defamation of religions; (merger paras 142, 146 section 5)

217. 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 ethical conduct with a view to prohibiting the proliferation of ideas of superiority and the justification of racial or religious hatred and discrimination in any form, and promoting mutual respect and tolerance among all peoples; (merger paras 107, 110 section 5)

218. Calls for a voluntary ethical code of conduct to be 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; (para 96 d) section 5)

(Human Rights Committee)

219. 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; (merger paras 137, 138 section 1)

(Complementary standards)

220. Urges the Ad Hoc Committee on the Elaboration of Complementary Standards to continue working with a view to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred; (para 47 section 2 modified)

The Human Rights Council and its Mechanisms

(Human Rights Council)

221. Encourages States to include in their national reports to the universal periodic review mechanism of the United Nations Human Rights Council information on measures being

taken to combat racism, racial discrimination, xenophobia and related intolerance; (merger paras 293, 295 c) section 1 and para 22 section 5)

222. In order to combat impunity for crimes of genocide, recommends the Human Rights Council to address the issue of genocide, as recognized by the United Nations; (merger paras 312, 273 section 1 and 149 section 5)

223. Requests the Human Rights Council to continue promoting an in-depth intercultural and interreligious dialogue, aimed at joint actions on issues such as peace, human rights and development; (merger paras 271, 321 section 1 modified)

224. Requests the Advisory Committee to fully take into account when preparing the draft Declaration on Human Rights Education and Training the objective of promoting understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (para 142 new proposal by delegates on 17 October 2008 modified)

225. Calls on the Human Rights Council to suitably observe annually the UN General Assembly designated International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25 March) and to consider, inter alia, building on the efforts of the Slave Route Project of UNESCO; (merger paras 29 section 2 and 143 section 5)

226. Requests the Human Rights Council to organize a seminar or 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; (para 28 section 2)

(Special Procedures)

227. Calls on all mandate-holders of special procedures to keep in mind recommendations of DDPA follow-up mechanisms while reporting on their respective themes /mandates. Resolutions on racism-related subjects should also include and give prominence to the recommendations of these mechanisms; (para 11 e) section 2)

228. Calls upon the Human Rights Council to grant the 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; (para 14 section 2)

229. Invites the Special Rapporteur on Trafficking in Persons, especially women and children, while performing her/his function, to take into consideration 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; (para 74 section 2)

Action by OHCHR/UN system

(OHCHR)

230. Calls on the High Commissioner for Human Rights to make the struggle against racism, racial discrimination, xenophobia and related intolerance a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights; (para 22 section 2 modified)

231. Calls on the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit to the rank of division and strengthen it with additional resources and staff to better serve 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; (para 266 section 1, para 21 section 2)

232. 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 (para 36 section 3)

233. Invites the High Commissioner to fully implement the mandate given to her Office in the Durban Declaration and Programme of Action and in particular to collect and disseminate data and best practices on the fight against racism and discrimination all over the world, including national action plans and legislation; (merger para 24 section 2 and 152 section 5)

234. Requests the Office of the High Commissioner for Human Rights to establish the observatory for racist incidents proposed by the Special Rapporteur on racism; (para 131 section 5 modified)

235. Requests the Human Rights Council to draw up guidelines on the collection of disaggregated information; (para 272 section 1 modified)

236. Requests the United Nations High Commissioner for Human Rights to consider the possibility of creating a racial equality index, 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, as was proposed by the independent eminent experts on the implementation of the DDPA; (merger para 44 section and para 309 section 1)

237. Urges the Office of the High Commissioner on Human Rights to continue to raise awareness of and bring visibility to the mechanisms through campaigns and other special events, including at the national level in cooperation with concerned States; (para 23 section 2)

238. Calls on the Office of the United Nations High Commissioner for Human Rights to continue its support to African States in the process of establishing national institutions by providing training and resources; (para 307 section 1 modified)

239. 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 (para 20 section 2);

240. Invites the High Commissioner to pursue its collaboration with regional and national bodies dealing with the fight against racism and discrimination; (para 25 section 2)

(UN)

241. 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, and encourages States to seek assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action; (merger paras 305, 310 section 1)

242. 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; (para 40 section 2)

243. Recommends also that the United Nations create a fellowship programme for people of African descent; (para 130 section 5)

244. Call on the United Nations system, in particular the United Nations Department of Public Information (UNDPI), to undertake effective media campaigns to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow up mechanisms; (para 11 a) section 2 shortened)

245. Requests that appropriate measures be taken 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 (para 30 section 2);

Adequate resources and funding

(Technical cooperation)

246. Acknowledges the need to allocate additional funds to implement anti-discrimination policies through international cooperation and technical assistance; (para 342 section 1 modified)

(CERD)

247. Taking into account the difficulties encountered by the Committee on the Elimination of Racial Discrimination in its activities, urges the United Nations to strive to enhance the Committee's capabilities by providing it with more time and resources to enable it to discharge fully its mandate under the 1965 Convention; (merger paras 141 section 1 and 45 section 3)

248. Stresses the importance of and invites States Parties to the ICERD 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; (para 46 section 3)

(Follow-up mechanisms)

249. 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; (para 12 section 2)

250. 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 (para 42 section 2);