



Camera dei deputati



Senato della Repubblica



*Seminario Romano
e Carcerante che corrisponde sulla piazza di S. Ignazio e Chiesa di S. Marco e Prospetto del Seminario Romano a Parte del Convento dei PP. Domenicani*

Documentazione e ricerche

Conferenza mondiale contro il razzismo “Durban II”

(Ginevra, 20-24 aprile 2009)

n. 53

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Servizi responsabili:

SERVIZIO STUDI DEL SENATO DELLA REPUBBLICA – Ufficio per la politica estera e di difesa

☎ 066706-2629 /0667062180 – ✉ studi1@senato.it

SERVIZIO STUDI DELLA CAMERA DEI DEPUTATI – Dipartimento Affari esteri

☎ 066760-4939 / 066760-4172 – ✉ st_affari_esteri@camera.it

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Schede di lettura

CRONOLOGIA RAGIONATA DEGLI AVVENIMENTI RELATIVI ALLA CONFERENZA DI DURBAN

(a cura del Servizio Studi del Senato)

The Durban Review Conference: la fase preparatoria

La Conferenza per il riesame di Durban (**Durban II**), che si terrà a Ginevra, in Svizzera, dal 20 al 24 aprile 2009, sarà chiamata a valutare l'attuazione degli obiettivi posti dalla Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, tenutasi a Durban, in Sudafrica, nel 2001, nonché ad adottare nuove misure per contrastare le forme contemporanee di razzismo e di discriminazione diffuse a livello mondiale.

All'appuntamento si stima interverranno oltre 2.500 delegati provenienti da 170 Paesi, 4.000 rappresentanti delle Organizzazioni non governative, 1.300 giornalisti e circa 7.000 persone espressione della società civile che parteciperanno ad un forum parallelo promosso dalle ONG.

La Conferenza Mondiale contro il Razzismo (*World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance -WCAR*) organizzata nel 2001 a Durban adottò per consenso una Dichiarazione ed un Programma di Azione (Durban Declaration and Programme of Action - DDPA) che avrebbe dovuto costituire un nuovo quadro di riferimento per governi, organizzazioni non governative ed altre istituzioni nello sforzo contro ogni forma di razzismo, di discriminazione razziale, di xenofobia e di intolleranza.

La decisione di convocare una nuova conferenza finalizzata al riesame di quanto deciso a Durban venne adottata dagli Stati membri delle Nazioni Unite nella riunione dell'Assemblea Generale nel 2006. Attraverso la Risoluzione A/RES/61/149, la massima assise internazionale, chiese al Consiglio dei Diritti Umani delle Nazioni Unite di avviare un percorso nella direzione di una nuova conferenza sul tema. Il Consiglio - che ha sede a Ginevra ed è stato istituito dall'Assemblea Generale delle Nazioni Unite il 15 marzo 2006, con l'adozione della Risoluzione 60/251 - ha costituito a tal fine un Comitato preparatorio della Conferenza (Preparatory Committee of the Conference), aperto al contributo di tutti i Paesi membri delle Nazioni Unite e non solo ai 47 facenti parte del Consiglio per i Diritti Umani.

L'Alto Commissario delle Nazioni Unite per i Diritti Umani è stato incaricato dal Segretario generale delle Nazioni Unite di svolgere il compito di segretario della Conferenza con il supporto del suo Ufficio (l'Altro Commissariato).

Il **Consiglio dei Diritti Umani**, in particolare, con la Risoluzione 3/2 del dicembre 2006 (approvata con il voto favorevole di Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brasile, Camerun, Cina, Cuba, Gibuti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Giordania, Malaysia, Mali, Mauritius, Messico, Marocco, Nigeria, Pakistan, Peru, Filippine, Russia, Arabia Saudita, Senegal, Sudafrica, Sri Lanka, Tunisia, Uruguay, Zambia; il voto quello contrario di Canada, Repubblica Ceca, Finlandia, Francia, Germania, Giappone, Paesi Bassi, Polonia, Corea, Romania, Svizzera, Regno Unito e l'astensione dell'Ucraina), in conformità a quanto disposto dall'Assemblea Generale, decise che i lavori del Comitato preparatorio fossero aperti al contributo di tutti i Paesi membri delle Nazioni Unite e delle Agenzie specializzate, nonché ad osservatori secondo le prassi invalsa per l'Assemblea Generale.

Il Consiglio stabilì altresì che i lavori preparatori della Conferenza fossero organizzati in sessioni (da svolgersi fra il 2007 ed il 2009), dovessero avvalersi del contributo di iniziative regionali e che il Comitato eleggesse un bureau rappresentativo delle diverse aree geografiche (incaricato di preparare l'agenda e i documenti preparativi del Comitato), stabilendo tutte le rilevanti modalità organizzative della Conferenza.

Il Consiglio nello stesso documento chiese altresì ai governi, alle agenzie specializzate agli altri organismi delle Nazioni Unite, alle organizzazioni regionali, governative e non, al Comitato sull'Eliminazione della discriminazione razziale, allo speciale Rapporteur sulle odierne forme di razzismo e discriminazione, ai cinque esperti indipendenti incaricati di seguire l'implementazione del Piano d'azione e della Dichiarazione di Durban I, al Gruppo di Lavoro intergovernativo istituito allo scopo di seguirne l'attuazione, di assistere il Comitato Preparatorio con valutazioni e raccomandazioni in vista dello svolgimento della futura Conferenza, avvalendosi del supporto organizzativo dell'Ufficio dell'Alto Commissario ONU per i Diritti Umani. Il Consiglio decise, da ultimo, che la Conferenza di riesame agisse nel rispetto di quanto scritto nella Dichiarazione e nel Programma d'Azione di Durban, concentrandosi sull'implementazione delle misure ivi contenute e senza offrire spazio per il riavvio delle trattative o dei negoziati atti a ridefinirne i testi.

Il Comitato preparatorio ha avviato la sua prima sessione di lavoro nell'agosto del 2007, al fine di definire le modalità organizzative, finanziarie, i meccanismi decisionali della Conferenza di riesame di Durban.

Composizione e lavori del Comitato preparatorio

Nella stessa occasione ha nominato per acclamazione - cercando di seguire un equo principio di rappresentatività regionale - i membri del *bureau*.

La composizione dell'organismo risulta la seguente:

Presidente:

Ms. Najat Al-Hajjaji (Libia)

Vice-Presidenti:

Mr. Jean Simplicie Ndjemba Endezoumou (Camerun)

Ms. Claudine J. Mtshali (Sudafrica)

Mr. Moussa Bocar Ly (Senegal)

Mr. Swashpawan Singh (India)

Mr. Makarim Wibisono (Indonesia)

Mr. Alireza Moaiyeri (Iran)

Mr. Masood Khan (Pakistan)

Mr. Alberto J. Dumont (Argentina)

Mr. Sergio Abreu E. Lima Florencio (Brasile)

Mr. Juan Martabit (Cile)

Mr. Zohrab Mnatsakanian (Armenia)

Mr. Branko Socanac (Croazia)

Mr. Tõnis Nirk (Estonia)

Mr. Oleg Malginov (Russia)

Mr. Alex Van Meeuwen (Belgio)

Mr. Franciscos Verros (Grecia)

Mr. Wegger Chr. Strømme (Norvegia)

Mr. Ahmet Üzümcü (Turchia)

Vice-Presidente-Rapporteur:

Mr. Resfel Pino Álvarez (Cuba)

Il Comitato ha inoltre adottato la Decisione PC.1/2 (si veda oltre) relativa alla partecipazione ed alla consultazione degli osservatori alle sessioni del Comitato Preparatorio, stabilendo che le sessioni di lavoro fossero aperte:

- a tutti gli Stati membri delle Nazioni Unite;
- ai rappresentanti delle organizzazioni invitate dall'Assemblea Generale in qualità di osservatori;
- alle Agenzie specializzate delle Nazioni Unite ed organismi osservatori;
- ai membri associati delle commissioni regionali come osservatori;
- agli organismi delle Nazioni Unite ed alle altre istituzioni specializzate in diritti umani in qualità di osservatori;
- ai rappresentanti dei popoli indigeni, accreditati ai sensi della Risoluzione 1995/32 del Consiglio Economico e Sociale, in qualità di osservatori;
- alle istituzioni nazionali sui diritti umani come osservatori;
- alle organizzazioni non governative interessate, in qualità di osservatori.

Il Comitato ha poi stabilito i seguenti obiettivi per la Conferenza di riesame di Durban:

- riesaminare il progresso e valutare l'implementazione della Dichiarazione e del Programma di Azione di Durban (DDPA) da parte di tutti i partecipanti a livello nazionale, regionale ed internazionale, includendo valutazioni relative alle manifestazioni attuali di razzismo, discriminazione razziale, xenofobia ed intolleranza, attraverso un processo trasparente e collaborativi e l'identificazione di concrete misure ed iniziative per combattere ed eliminare tutte le forme di questi fenomeni;
- accertare l'effettività di meccanismi attuativi di Durban e di altri meccanismi delle Nazioni Unite legati al contrasto del razzismo, della discriminazione razziale, della xenofobia e dell'intolleranza;
- promuovere la ratifica universale e l'implementazione della Convenzione Internazionale sull'eliminazione di tutte le forme di discriminazione razziale ed una appropriata considerazione delle raccomandazioni del Comitato sull'Eliminazione della Discriminazione Razziale;
- identificare e condividere buone pratiche conseguite nella lotta contro detti fenomeni.

I successivi appuntamenti preparatori della Conferenza hanno avuto luogo:

- **21 aprile - 2 maggio 2008:** *Preparatory Committee first substantive session.* Nel corso della sessione il Comitato si è accordato sulla struttura della bozza di documento finale della Conferenza di Riesame, stabilendo altresì la data per l'appuntamento (20-24 aprile 2009) e sul luogo della stessa (Ginevra). L'organismo preparatorio ha altresì deciso di creare un "intersessional open-ended intergovernmental working group" per supportare e proseguire il lavoro del Comitato stesso nella elaborazione della bozza di documento.
- **26 - 30 maggio 2008:** *Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference, first session.*
- **5 settembre 2008:** *Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference, second session.*
- **6 - 17 ottobre 2008:** *Preparatory Committee second substantive session.* La seconda sessione effettiva del Comitato preparatorio ha visto l'avvio dei negoziati per la scrittura della bozza di documento finale della Conferenza di riesame, sulla scorta di sei documenti emersi rispettivamente dal gruppo di lavoro intergovernativo fra le sessioni, dagli spunti di riflessione forniti dai due incontri preparatori regionali (Latino-americani e caraibici e africani, organizzati in osequio alla Decisione 1/11 del Comitato preparatorio rispettivamente a Brasilia dal 17 al 19 Giugno 2008 e ad Abuja, in Nigeria, dal 24 al 26 Agosto 2008), nonché dai documenti sottoposti al Comitato dal Gruppo di Lavoro Asiatico, dall'Unione Europa e dalla Conferenza Islamica. Il Comitato, dai documenti pervenuti, ha tratto un unico testo coordinato al fine di predisporre una bozza base per la successiva negoziazione.
- **27 novembre 2008:** *Intersessional open-ended intergovernmental working group to continue and finalize the process of negotiations on and drafting of the outcome document, first meeting.*
- **19 - 23 gennaio 2009:** *Intersessional open-ended intergovernmental working group to continue and finalize the process of negotiations on and drafting of the outcome document, first session.*
- **16 - 19 febbraio 2009:** *Intersessional open-ended intergovernmental working group to continue and finalize the process of negotiations on*

and drafting of the outcome document, informal open-ended consultations.

Nel corso dei lavori il Comitato ha approvato le seguenti decisioni (in allegato):

- 27 agosto 2007: PC.1/1. Rules of procedure for the Preparatory Committee;
- 27 agosto 2007: PC.1/2. Participation of, and consultation with, observers at the sessions of the Preparatory Committee;
- 29 agosto 2007: PC.1/3. Dates for the Durban Review Conference (fissandola nella prima metà del 2009);
- 29 agosto 2007: PC.1/4. Level of participation (disponendo che esso sia il più ampio possibile);
- 29 agosto 2007: PC.1/5. Secretary-General of the Durban Review Conference;
- 29 agosto 2007: PC.1/6. Venue of the Preparatory Committee sessions and Durban Review Conference (Ginevra);
- 30 agosto 2007: PC.1/7. Dates of the substantive sessions of the Preparatory Committee
- 31 agosto 2007: PC.1/8. Report of the Preparatory Committee
- 31 agosto 2007: PC.1/9. Rules of procedure for the Durban Review Conference;
- 31 agosto 2007: PC.1/10. Reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference;
- 31 agosto 2007: PC.1/11. Preparatory meetings and activities at the international, regional and national levels;
- 31 agosto 2007: PC.1/12. Sources of funding and financial and technical assistance;
- 31 agosto 2007: PC.1/13. Objectives of the Durban Review Conference;
- 31 agosto 2007: PC.1/14. Adoption of the draft provisional agenda for the first substantive session of the Preparatory Committee;
- 31 agosto 2007: PC.1/15. Organization of the work for the substantive sessions of the Preparatory Committee and the formulation of a concrete plan for the preparatory process;

- 21 aprile 2008: PC.2/1. Accreditation of the non-governmental organisation: Peoples Forum for Human Rights and Development;
- 21 aprile 2008: PC.2/2. Accreditation of thirty-three non-governmental organisations;
- 22 aprile 2008: PC.2/3. Panel discussion on the objectives of the Durban Review Conference;
- 22 aprile 2008: PC.2/4. Establishment and dates of the intersessional open-ended intergovernmental working group;
- 30 aprile 2008: PC.2/5. Provisional accreditation of NGOs;
- 30 aprile 2008: PC.2/6. Accreditation of Durban 2001 NGOs;
- 30 aprile 2008: PC.2/7. Accreditation of new NGOs;
- 30 aprile 2008: PC.2/8. Structure of the draft outcome document of the Durban Review Conference;
- 2 maggio 2008: PC.2/9. Information strategy for the Durban Review Conference;
- 2 maggio 2008: PC.2/10. Documentation for the preparatory process for the Durban Review Conference;
- 22 aprile 2008: PC.2/11. Provisional agenda of the Durban Review Conference;
- 30 aprile 2008: PC.2/12. Participation of observers in the Durban Review Conference;
- 26 maggio 2008: PC.2/13. Venue, timing and duration of the Durban Review Conference (stabilendo il periodo fra il 20 ed il 24 aprile 2009 nella sede di Ginevra);
- 26 maggio 2008: PC.2/14. Slogan of the Durban Review Conference ("United Against Racism: Dignity And Justice For All");
- 26 maggio 2008: PC.2/15. Logo for the Durban Review Conference;
- 6-17 ottobre 2008: PC.3/1. Organization of Work of the second substantive session;
- 6 - 7 ottobre 2008: PC.3/2, 3/3, 3/5, 3/6, 3/7, 3.8 . Accreditation of NGOs;
- 7 ottobre 2008: PC.3/4. Invitation addressed to the United Nations High Commissioner for Human Rights;

- 17 ottobre 2008: PC.3/9. Continuation of the preparatory process for the Durban Review Conference;
- 17 ottobre 2008: PC.3/10. Participation in the Durban Review Conference.

Documenti dell'Unione europea e del Consiglio d'Europa sulla Conferenza di Riesame di Durban

Nel corso delle diverse sessioni di lavoro, necessarie alla predisposizione di una bozza di dichiarazione finale da sottoporre all'approvazione della Conferenza di revisione di Durban, sono pervenuti all'attenzione del Comitato preparatori osservazioni e rilievi da parte di organismi osservatori.

In particolare si ricordano, oltre ai documenti presentati dalla Conferenza dell'Organizzazione Islamica, dall'Organizzazione Internazionale del Lavoro, il contributo fornito dall'**Unione europea** e dal **Consiglio d'Europa** (in allegato).

Come emerge dal documento nel quale viene rappresentata la posizione dell'**Unione Europea**, "*Reports of preparatory meetings and activities at the international, regional and national levels - Contribution by the European Union to the Durban Review Conference*" datato 13 Ottobre 2008¹, l'UE richiama nel preambolo i principi di tolleranza, rispetto dei diritti umani, e contrasto ad ogni forma di razzismo, discriminazione o xenofobia, principi costituenti le fondamenta della stessa Unione. In relazione ai temi maggiormente discussi in seno al Consiglio ONU sui Diritti Umani, l'Unione Europea esprime una sua posizione definita, al punto (b) paragrafi 35-43.

In particolare l'UE condanna qualunque tipo di discriminazione e intolleranza contro i membri di qualunque credo religioso. Il richiamo esplicito alle tre grandi religioni monoteiste e ai recenti eventi di cronaca di violenza contro specifici gruppi religiosi costituiscono il corpo dei paragrafi 35, 37,42 e 43. Non viene fatto esplicito riferimento ad alcuno Stato o politica posta in essere, ma solo una chiara condanna contro ogni forma di intolleranza o discriminazione; in tale ottica si delinea il richiamo all'Olocausto e all'importanza di ricordare e commemorare tale tragedia in quanto monito per l'intera umanità. Importante evidenziare il richiamo alla risoluzione dell'Assemblea Generale ONU 60/7 e 61/255 sull'importanza della commemorazione dell'olocausto.

¹ In proposito si veda <http://www.un.org/durbanreview2009/pdf/A.CONF.211.PC.3.6.pdf>

Allo stesso tempo, l'UE condanna la forte intolleranza manifestatasi contro i mussulmani e le violenze contro i cristiani verificatesi in diverse parti del mondo. Specifico richiamo viene fatto nei confronti delle iniziative politiche portate avanti in seno all'Organizzazione per la Sicurezza e la Cooperazione in Europa (OSCE), rispettivamente ai paragrafi 40 e 41.

Infine, notevole importanza viene data alla prevenzione e promozione di una cultura della tolleranza che dovrebbe essere portata avanti da tutti gli stati della Comunità Internazionale, con il pieno ausilio degli attori non statali e la cooperazione con le maggiori organizzazioni per la pace e sicurezza sia internazionali sia regionali².

Nell'intervento della Francia a nome dell'Unione Europea alla nona sessione del Consiglio dei diritti umani³, viene sottolineato come l'UE intenda far appello a tutti gli Stati affinché la questione del razzismo venga affrontata senza politicizzazioni, senza polarizzazioni, senza accanimento su una regione del mondo in particolare e senza tentativi di stabilire una gerarchia tra le vittime.

Nel documento denominato Contribution of the Council of Europe to the Implementation of the Durban Declaration and Programme Action - Council of Europe Action to Combat Racism and Intolerance 2001-2008, il **Consiglio d'Europa** ha espresso le linee programmatiche per la piena applicazione del Programma d'Azione di Durban.

Il documento individua le vittime di razzismo, discriminazione e xenofobia, le misure atte a prevenire, educare e proteggere, ed i rimedi, ricorsi e compensazioni per le vittime, nonché alcune riflessioni conclusive sull'azione condotta di contrasto al razzismo in relazione ai mutamenti della società, del contesto internazionale e della tecnologia. Il Consiglio d'Europa, fin dal Trattato istitutivo di Londra, contempla tra le proprie finalità la protezione e promozione dei diritti umani, cui va ricondotta anche l'azione volta all'eliminazione di qualunque forma di razzismo, discriminazione e xenofobia all'interno dei paesi membri dell'Organizzazione.

Il concetto stesso di razzismo e discriminazione è in evoluzione, assumendo sempre forme nuove e utilizzando strumento diversi. Il documento in esame, pur rendendo atto dei molteplici sforzi condotti dai Paesi europei per la

² Al paragrafo 96, l'Unione ha sottolineato l'importanza di aver dedicato il 2008 l'anno Euro-Mediterraneo per il dialogo interculturale. Inoltre esplicito richiamo viene fatto alle varie agenzie delle Nazioni Unite, come l'UNESCO, particolarmente competenti nella promozione del dialogo culturale ed interculturale, individuandoli come partner essenziali per la realizzazione degli obiettivi che l'UE e gli altri attori internazionali si sono posti per eliminazione del razzismo, discriminazione e xenofobia.

³ Riprodotto in allegato.

lotta ad ogni forma di razzismo, soprattutto sul piano normativo, afferma come ancora molto resti da fare. Il Consiglio individua quelli che potrebbero essere i gruppi di persone vittime di razzismo⁴, ponendo specifica attenzione tanto alla discriminazione su basi etniche, così come quella religiosa e di genere. Le misure individuate dal Consiglio d'Europa, di breve e di lungo termine, vanno dalla necessità di garantire protezione legale contro il razzismo e altra forma di discriminazione, al monitoraggio costante dei paesi membri e delle minoranze in essi presenti, infine ai rimedi concreti di compensazione per le vittime di razzismo. Il Consiglio d'Europa, infine, richiama l'attenzione su due specifiche sfide: l'evoluzione della tecnologia e l'utilizzo del computer come possibili nuovi fonti e forme di discriminazione, ma anche allo stesso tempo strumenti per il contrasto a forme di razzismo; infine, il terrorismo e le difficoltà all'integrazione come terreno fertile per accentuare o amplificare forme di razzismo o discriminazione contro gruppi minori o categorie specifiche, su base etnica o religiosa.

Bozza finale del Testo proposto dal Comitato preparatorio per la Conferenza

Da ultimo si ricorda come il Comitato abbia prodotto, nel corso dell'appuntamento del gennaio 2009 la bozza informale denominata "*Revised version of the technically reviewed text (A/CONF.211/PC/WG.2/CRP.2) submitted by the Chairperson-Rapporteur of the intersessional open-ended working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document*" (in allegato).

Il documento in bozza (paragrafi da 30 a 34) contiene un richiamo esplicito alla situazione mediorientale, ed esprime profonda preoccupazione per quelle che definisce "pratiche discriminatorie" poste in essere nei confronti del popolo Palestinese nei territori occupati, ribadendo il diritto inalienabile del Popolo Palestinese all'autodeterminazione ed esprimendo una condanna dell'occupazione israeliana di quei territori come una forma illegale di punizione collettiva di cui chiede la cessazione. Il Paragrafo 32, in particolare definisce la politica di occupazione fondata sugli insediamenti fondata su presupposti discriminatori, così come le pratiche di isolamento di città e villaggi per via militare, come una violazione dei diritti umani e del diritto umanitario, un crimine

⁴ In particolare, il Consiglio d'Europa individua persone di origine africana e discendenti africani, rom e gitani, mussulmani e la crescente islamofobia, gli ebrei e l'antisemitismo, rifugiati e migranti, vittime di traffico di esseri umani, persone appartenenti a gruppi più deboli, come donne, giovani e persone affette da inabilità.

contro l'umanità ed una forma aggiornata di apartheid, tale da costituire una seria minaccia alla pace ed alla sicurezza internazionali.

Al momento, non risultano essere state adottate edizioni più aggiornate della bozza di documento.

Le reazioni internazionali alla bozza del testo base

Il testo fin qui uscito dai lavori del Comitato preparatorio, peraltro, ha suscitato vivaci polemiche, nonché determinato prese di posizione molto ferme da parte di numerosi Paesi occidentali. In particolare qui di seguito si dà conto in sintesi delle decisioni assunte nei confronti della Conferenza di Revisione di Durban dagli Stati Uniti, dall'Italia e dalla Francia. Si ricorda peraltro come il **Canada** già nel gennaio 2008 avesse annunciato il suo proposito di non partecipare alla Conferenza, seguita da **Israele** che palesò tale volontà nel novembre 2008, per bocca del ministro degli esteri, Tzipi Livni.

La rappresentanza degli **Stati Uniti d'America** a Ginevra ha preso parte attivamente ai lavori del Comitato preparatorio per la dichiarazione di Durban ed anche ai lavori nel formato intersessionale che si svolgono appunto tra una sessione e l'altra del Consiglio dei diritti umani. Tuttavia, nel febbraio 2009 gli Stati Uniti hanno assunto una posizione particolarmente critica nei confronti della bozza di Dichiarazione per la Conferenza di revisione di Durban.

Infatti, a seguito di alcune modifiche apportate al testo, ed in particolare il richiamo alla politica di Israele nei confronti dei territori palestinesi e del sionismo come nuova forma di *apartheid*, razzismo e discriminazione (paragrafo 31 e 32, A/CONF.211/PC/WG.2/CRP.2), gli Stati Uniti hanno deciso di non partecipare al tavolo diplomatico che si aprirà il prossimo 20 aprile a Ginevra. Il portavoce del Dipartimento di Stato americano, Robert Wood, in un comunicato ufficiale diffuso il 27 febbraio 2009⁵, ha infatti definito la bozza di testo base come irrecuperabile ("**not salvageable**").

Tale affermazione, però, non preclude la possibilità di una futura partecipazione degli USA ai lavori, qualora specifiche modifiche e condizioni si realizzino, e specificatamente:

- una rivisitazione della Dichiarazione di Durban 2001 e del Programma d'Azione (DDPA) ad essa relativo;

⁵ *U.S. posture Toward the Durban Review Conference and Participation in the UN Human Rights Council* del 27 febbraio 2009.

- l'eliminazione di specifici riferimenti ad uno o più paesi ed il richiamo ad una "diffamazione della religione", ovvero di un credo come nuova forma di apartheid e razzismo;
- un documento accettabile per gli Stati Uniti non dovrebbe andare oltre il DDPA sulla questione del risarcimento per la schiavitù;
- il Consiglio ONU sui Diritti Umani dovrebbe modificare la propria azione, abbandonando specifiche critiche nei confronti di un paese, ed in particolare Israele, e più in generale operare secondo imparzialità, evitando qualunque tipo di politicizzazione.

È da porre in evidenza che gli USA hanno deciso comunque di partecipare in qualità di osservatori alle sessioni del Consiglio sui Diritti Umani.

Il rappresentante diplomatico degli Stati Uniti d'America al Consiglio dei diritti umani, Mark C. Storella, nel presentare il nuovo impegno americano nei lavori del Consiglio, ha affermato il 4 marzo 2009, in occasione dell'apertura della sessione di marzo, che gli Stati Uniti come tale partecipazione sia in linea con la politica delineata dal presidente Barak Obama di una nuova era di impegno per gli Stati Uniti che passi anche attraverso la protezione e promozione dei diritti umani. Gli Stati Uniti considerano la protezione dei diritti umani uno sforzo cui tutta la Comunità Internazionale dovrebbe tendere, ribadendo la necessità di eliminare qualunque tipo di politicizzazione e di garantire il rispetto di tali diritti a qualunque individuo. L'auspicio ribadito nel documento, quindi, è quello di ripristinare il dibattito su un piano universale, in modo tale da eliminare qualunque tipo di politicizzazione e strumentalizzazione di tale sforzo per la promozione della lotta al razzismo.

In occasione della decima sessione del Consiglio dei diritti umani tenutosi a Ginevra il 2 marzo 2009 il Segretario di Stato francese incaricato degli Affari esteri, Rama Yade, ha illustrato la posizione ufficiale che la **Francia** terrà alla prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza.

La lotta al razzismo e alla discriminazione - ha affermato la signora Yade - è per la Francia, che trova tra i suoi valori fondanti proprio la tolleranza e il rispetto reciproco, un imperativo categorico. L'approccio francese - ha proseguito - dovrà avere una valenza costruttiva durante i negoziati, ma in nessun caso esso potrà essere utilizzato per rendere la Conferenza un pretesto per stigmatizzare alcuni Paesi o regioni del mondo e per rimettere in discussione il principio della libertà di espressione che è fondamento stesso della democrazia.

In merito alla decisione francese di ritiro della delegazione dai lavori della Conferenza si registra - dopo una prima dichiarazione rilasciata il 2 marzo scorso dal primo ministro François Fillon con la quale avvertiva che il suo Paese "era pronto a ritirarsi" - una netta divergenza. Eric Chevallier, portavoce del Quai d'Orsay, fa infatti sapere (Corriere della Sera, 7 marzo 2009) di aver preso nota dell'annuncio italiano e di restare però dell'idea che sia importante in questa fase presenziare al processo preparatorio dei lavori di Durban II proprio per evitare che esso degeneri in tensioni che potrebbero compromettere le finalità stesse dell'incontro.

A conferma della presa di posizione del sottosegretario Scotti, **il ministro degli Esteri, Franco Frattini**, dopo un incontro con la collega israeliana Tzipi Livni a margine del Consiglio Esteri NATO, svoltosi il 5 marzo a Bruxelles, **ha annunciato che "La delegazione italiana non parteciperà al seguito dei lavori di Durban II"**, aggiungendo che il boicottaggio potrà essere ritirato se il testo - che attualmente contiene "almeno due parti inaccettabili" - verrà modificato.

La decisione italiana ha riscosso il plauso dello **Stato israeliano**, nonché quello dell'Unione delle **comunità ebraiche italiane**.

Su quanto accaduto le reazioni politiche interne sono state molteplici ed articolate anche nell'area di opposizione. L'onorevole Fassino - in una dichiarazione comparsa sul *Corriere della Sera* il 7 marzo - si mostra critico verso la decisione assunta dal Ministro Frattini. Pur riconoscendo infatti la necessità di respingere con forza il testo proposto per i lavori, si dice contrario alla formulazione di una posizione italiana isolata dal contesto di una reazione comune europea. Secondo punto di divergenza è il mancato coinvolgimento di molti paesi arabi - tra cui la Libia e il Marocco con i quali l'Italia intrattiene proficuo e crescente dialogo politico - nella strategia da adottare per Durban II. Infine - riporta ancora il Corriere - Durban II è, "come tutte le sedi globali multilaterali, luogo fondato sul confronto e sulla ricerca - se e quando possibile - di scelte e posizioni condivise" alludendo con ciò alla necessità di coinvolgere il Parlamento nell'assunzione di una decisione di grande delicatezza.

L'8 marzo, in una **lettera aperta** apparsa sempre sul Corriere, il Ministro Frattini replica a Fassino dichiarando che "*il confronto che Piero Fassino auspica in Parlamento - un confronto del resto a lui già noto fin da venerdì - ci sarà proprio questo mercoledì⁶ e sarà un'occasione importante e utile per spiegare in dettaglio le ragioni della decisione del governo italiano di abbandonare i lavori preparatori della Conferenza di Durban che si svolgerà a Ginevra dal 20 al 24*

⁶ Mercoledì 11 marzo 2009.

aprile prossimo". Prosegue ricordando che già durante la Conferenza di Durban del 2001 - dove giustamente fu stigmatizzata la colonizzazione della Palestina - fu persa invece l'occasione di dedicare una parola ai "tanti genocidi che insanguinano il mondo". In quel contesto - prosegue Frattini - Israele fu bollato come paese razzista e l'ebraismo fu negato "in quanto dimensione culturale e religiosa e fatto coincidere con l'esistenza di Israele in quanto stato-nazione: fino a definire il sionismo come una forma di razzismo e di islamofobia".

A fronte di quanto accaduto, spiega il Ministro degli esteri e del fatto che il testo proposto è permeato di una inaccettabile retorica antisemita esiste anche un'altra ragione alla base della decisione italiana e cioè che nel documento si contravviene ad un altro principio fondamentale della civiltà democratica, quello della libertà di espressione cui non è possibile rinunciare. Prosegue rammentando che sulla posizione di forte critica assunta dall'Italia sono allineati non solo gli Stati Uniti e il Canada ma le "opinioni pubbliche europee" che hanno già trovato spazio nell'agenda delle istituzioni e della politica in Olanda, Belgio e Francia.

La decisione del Governo italiano, conclude Frattini, è quindi una "*decisione animata dal senso di responsabilità nei confronti del multilateralismo*" e "verso l'Europa" che dei valori sopra richiamati deve farsi portatrice attiva. Frattini assicura che l'Italia continuerà comunque dall'esterno a seguire l'esercizio per aiutare la formazione di una posizione comune europea che rifletta i principi in cui crediamo e non sia un semplice minimo comun denominatore.

Al momento si hanno notizie di stampa relative ad ipotesi di boicottaggio della Conferenza anche da parte dell'**Australia**, nonché a manifestazioni di disagio da parte dei **Paesi Bassi**, della **Germania** e del **Regno Unito**. Il **Vaticano**, viceversa, attraverso la voce di Mons. Tomasi, osservatore permanente della Santa Sede presso le Nazioni Unite, ha reso noto che prenderà parte alla Conferenza di aprile.

L'appello dell'Alto Commissario ONU per i Diritti Umani

Si ricorda come lo scorso 2 marzo, aprendo i lavori della decima sessione speciale del Consiglio dei diritti umani delle Nazioni Unite, l'**Alto Commissario delle Nazioni Unite per i Diritti Umani**, la sudafricana Navanethem Pillay, ha lanciato un appello ai governi a partecipare alla Conferenza di revisione di Durban contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza e di trovare il necessario consenso su questo tema. La Conferenza -

ha sostenuto la Pillay - "offre la piattaforma ed il quadro più ampio per combattere l'intolleranza ed il razzismo nelle loro numerose forme".

Pur dicendosi consapevole del fatto che "l'eredità della conferenza di Durban 2001 è stata rovinata dal comportamento antisemita di alcune organizzazioni non governative ai margini della conferenza", nonché del fatto che la conferenza stessa sia ora "presa di mira da una campagna sprezzante da parte di coloro che temono una ripetizione delle manifestazioni di antisemitismo", ha espresso la convinzione che questa preoccupazione sia ingiustificata. In qualità di Segretario Generale della Conferenza, ha poi manifestato il proposito di opporsi con forza alle tendenze in atto ricordando come il Piano di Azione e la Dichiarazione di Durban superassero approcci intolleranti e richiamando i Paesi all'assunzione di responsabilità consapevoli dell'importanza della promozione dei diritti umani per lo sradicamento della disegualianza e della discriminazione.

Quanto alla posizione dell'**Italia** su Durban II, il 5 marzo scorso il Ministro degli esteri Frattini ha deciso ufficialmente il ritiro della delegazione italiana alla Conferenza, fatta salva la possibilità di un ripensamento solo nel caso in cui nel documento che sarà utilizzato come base per i lavori vengano espunti due formulazioni giudicate inaccettabili perché antisemite.

Su quanto accaduto le reazioni politiche interne sono state molteplici ed articolate anche nell'area di opposizione. L'onorevole Fassino - in una dichiarazione comparsa sul Corriere della Sera il 7 marzo - si mostra critico verso la decisione assunta dal Ministro Frattini. Pur riconoscendo infatti la necessità di respingere con forza il testo proposto per i lavori, si dice contrario alla formulazione di una posizione italiana isolata dal contesto di una reazione comune europea. Secondo punto di divergenza è il mancato coinvolgimento di molti paesi arabi - tra cui la Libia e il Marocco con i quali l'Italia intrattiene proficuo e crescente dialogo politico - nella strategia da adottare per Durban II. Infine - riporta ancora il Corriere - Durban II è, "come tutte le sedi globali multilaterali, luogo fondato sul confronto e sulla ricerca - se e quando possibile - di scelte e posizioni condivise" alludendo con ciò alla necessità di coinvolgere il Parlamento nell'assunzione di una decisione di grande delicatezza.

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fu persa invece l'occasione di dedicare una parola ai "tanti genocidi che insanguinano il mondo". In quel contesto - prosegue Frattini - Israele fu bollato come paese razzista e l'ebraismo fu negato "in quanto dimensione culturale e religiosa e fatto coincidere con l'esistenza di Israele in quanto stato-nazione: fino a definire il sionismo come una forma di razzismo e di islamofobia". A fronte di quanto accaduto, spiega il Ministro degli esteri e del fatto che il testo proposto è permeato di una inaccettabile retorica antisemita esiste anche un'altra ragione alla base della decisione italiana e cioè che nel documento si contravviene ad un altro principio fondamentale della civiltà democratica, quello della libertà di espressione cui non è possibile rinunciare. Prosegue rammentando che sulla posizione di forte critica assunta dall'Italia sono allineati non solo gli Stati Uniti e il Canada ma le "opinioni pubbliche europee" che hanno già trovato spazio nell'agenda delle istituzioni e della politica in Olanda, Belgio e Francia. La decisione del governo italiana, conclude Frattini, è quindi una "decisione animata dal senso di responsabilità nei confronti del multilateralismo" e "verso l'Europa" che dei valori sopra richiamati deve farsi portatrice attiva. Frattini assicura che l'Italia continuerà comunque dall'esterno a seguire l'esercizio per aiutare la formazione di una posizione comune europea che rifletta i principi in cui crediamo e non sia un semplice minimo comun denominatore.

Precedentemente ai fatti descritti la posizione italiana a Durban II era già stata illustrata dal Sottosegretario Scotti nel suo intervento del 3 marzo a Ginevra, dove aveva delineato lo spirito con cui l'Italia - da sempre profondamente convinta del valore fondante del dialogo e del confronto tra le diverse culture e confessioni religiose nella creazione della pace - auspicava si svolgessero i lavori della Conferenza. E' essenziale - ha affermato Scotti - che questa occasione unica di confronto non resti vittima di posizioni politiche o ideologiche.

Al momento si hanno notizie di stampa relative ad ipotesi di boicottaggio della Conferenza anche da parte dell'**Australia**, nonché a manifestazioni di disagio da parte dei **Paesi Bassi**, della **Germania** e del **Regno Unito**. Il **Vaticano**, viceversa, attraverso la voce di Mons. Tomasi, osservatore permanente della Santa Sede presso le Nazioni Unite, ha reso noto che prenderà parte alla Conferenza di aprile.

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l'intolleranza e di trovare il necessario consenso su questo tema. La Conferenza - ha sostenuto la Pillay - "offre la piattaforma ed il quadro più ampio per combattere l'intolleranza ed il razzismo nelle loro numerose forme". Pur dicendosi consapevole del fatto che "l'eredità della conferenza di Durban 2001 è stata rovinata dal comportamento antisemita di alcune organizzazioni non governative ai margini della conferenza", nonché del fatto che la conferenza stessa sia ora "presa di mira da una campagna sprezzante da parte di coloro che temono una ripetizione delle manifestazioni di antisemitismo", ha espresso la convinzione che questa preoccupazione sia ingiustificata. In qualità di Segretario Generale della Conferenza, ha poi manifestato il proposito di opporsi con forza alle tendenze in atto ricordando come il Piano di Azione e la Dichiarazione di Durban superassero approcci intolleranti e richiamando i Paesi all'assunzione di responsabilità consapevoli dell'importanza della promozione dei diritti umani per lo sradicamento della disegualianza e della discriminazione.

Per approfondimenti sui testi:

<http://www.un.org/durbanreview2009/index.shtml>

L'ATTIVITÀ PARLAMENTARE RIGUARDANTE LA CONFERENZA DI RIESAME DI DURBAN

(a cura del Servizio Studi della Camera)

Nella prospettiva della Conferenza di riesame, la Camera dei deputati ha esaminato **il 4 dicembre scorso tre mozioni sulle iniziative in vista della preparazione della Conferenza di revisione del 2009**: la mozione dell'on. **Nirenstein** ed altri (n. 1-00055), la mozione presentata dall'on. **Evangelisti** ed altri (n. 1-00072) e la mozione dell'on. **Casini** ed altri (n. 1-00074).

In particolare la **mozione Nirenstein**, approvata nel corso della stessa seduta, impegna il Governo "a verificare con attenzione, assieme ai *partners* europei, gli esiti e gli orientamenti che emergono dal processo di preparazione della prossima «Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza»; ***ad intervenire in sede europea affinché venga scongiurato il rischio che la Conferenza si svolga su una piattaforma ispirata all'intolleranza e alla discriminazione etnica, culturale e religiosa; ad agire perché i documenti preparatori contengano solo l'intento di combattere il razzismo e la discriminazione a qualsiasi latitudine e per qualsiasi motivo essa si rappresenti e perché decada lo scopo non recondito della delegittimazione dello Stato d'Israele***; ad esercitare la massima vigilanza e ad agire concretamente affinché la Conferenza sia effettivamente volta a promuovere la lotta contro il razzismo e contro le discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, stati o minoranze etniche e religiose".

La mozione Evangelista, nel testo riformulato approvato nel corso della medesima seduta del 4 dicembre impegna il Governo "a intervenire in sede europea affinché venga scongiurato il rischio che la Conferenza si svolga su una piattaforma ispirata all'intolleranza e alla discriminazione etnica, culturale e religiosa, affinché i partecipanti non utilizzino tale incontro per avanzare rivendicazioni strumentali; (...) a vincolare la partecipazione italiana a tale Conferenza all'effettivo indirizzo dei lavori preparatori verso la buona riuscita della stessa e ***a far sì che la medesima Conferenza sia finalizzata alla promozione della convivenza pacifica tra i popoli e, in particolare nell'area mediorientale, al rilancio del processo di pace tra israeliani e palestinesi, attraverso un reciproco riconoscimento e secondo l'affermazione del principio «due Stati, due Popoli»***".

La mozione Casini, approvata parimenti, in un testo riformulata, nel corso della seduta del 4 dicembre, impegna l'Esecutivo "a vigilare affinché nel processo di preparazione della prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, non prevalga una impostazione che, sotto l'apparenza della lotta al razzismo, nasconda l'obiettivo di rinfocolare l'ostilità nei confronti di popoli sovrani o Stati legittimi; **a promuovere un'iniziativa in sede europea che tenda ad inserire tra i documenti da sottoporre al comitato preparatorio una ferma condanna delle stragi di cristiani in India e Pakistan**, affinché la comunità internazionale intervenga repentinamente per evitare che proseguano impunemente questi attacchi alla libertà religiosa ed ai diritti umani in generale; a sollecitare una relazione con la quale la Conferenza tracci una mappa dettagliata che evidenzi, senza reticenze ed equivoche interpretazioni, tutte le aree del globo e le nazioni in cui siano presenti violazioni dei diritti di libertà religiosa e culturale, o fenomeni di discriminazione razziale ed etnica; in particolare, a mettere in conto l'eventuale ritiro della delegazione italiana dal percorso preparatorio, così come annunciato dal Presidente francese Sarkozy, qualora dovesse riproporsi un clima ostile nei confronti di Israele."

Documentazione

Atti adottati dalla Conferenza di Durban del 2001

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Declaration

Having met in Durban, South Africa, from 31 August to 8 September 2001,

Expressing deep appreciation to the Government of South Africa for hosting this World Conference,

Drawing inspiration from the heroic struggle of the people of South Africa against the institutionalized system of apartheid, as well as for equality and justice under democracy, development, the rule of law and respect for human rights, recalling in this context the important contribution to that struggle of the international community and, in particular, the pivotal role of the people and Governments of Africa, and noting the important role that different actors of civil society, including non-governmental organizations, played in that struggle and in ongoing efforts to combat racism, racial discrimination, xenophobia and related intolerance,

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling Commission on Human Rights resolution 1997/74 of 18 April 1997, General Assembly resolution 52/111 of 12 December 1997 and subsequent resolutions of those bodies concerning the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recalling also the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983, respectively,

Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

Recalling that the year 2001 is the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance,

Welcoming the decision of the General Assembly to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, which underlines tolerance and respect for diversity and the need to seek common ground among and within civilizations in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion,

Welcoming also the proclamation by the General Assembly of the period 2001-2010 as the Decade for a Culture of Peace and Non-Violence for Children of the World, as well as the adoption by the General Assembly of the Declaration and Plan of Action on a Culture of Peace,

Recognizing that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in conjunction with the International Decade of the World's Indigenous People, presents a unique opportunity to consider the invaluable contributions of indigenous peoples to political, economic, social, cultural and spiritual development throughout the world to our societies, as well as the challenges faced by them, including racism and racial discrimination,

Recalling the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960,

Reaffirming our commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

Affirming that racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations,

Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Convinced of the fundamental importance of universal accession to or ratification of and full implementation of our obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance,

Recognizing the fundamental importance for States, in combating racism, racial discrimination, xenophobia, and related intolerance, to consider signing, ratifying or acceding to all relevant international human rights instruments, with a view to universal adherence,

Having taken note of the reports of the regional conferences organized at Strasbourg, Santiago, Dakar and Tehran and other inputs from States, as well as the reports of expert seminars, non-governmental organization regional meetings and other meetings organized in preparation for the World Conference,

Noting with appreciation the Vision Statement launched by President Thabo Mbeki of South Africa under the patronage of The Honourable Nelson Mandela, first President of the new South Africa, and at the initiative of the United Nations High Commissioner for Human Rights and Secretary-General of the World Conference, and signed by seventy-four heads of State, heads of Government and dignitaries,

Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies,

Acknowledging that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid and slavery is permitted, as defined in the obligations under the relevant human rights instruments,

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Recognizing that the equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the importance of the equitable participation of all, without any discrimination, in domestic as well as global decision-making,

Affirming that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free and equal in dignity and rights, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations,

Recognizing that national and international actions are required to combat racism, racial discrimination, xenophobia and related intolerance, in order to ensure the full enjoyment of all human rights, economic, social, cultural, civil and political, which are universal, indivisible, interdependent and interrelated, and to improve the living conditions of men, women and children of all nations,

Reaffirming the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that xenophobia, in its different manifestations, is one of the main contemporary sources and forms of discrimination and conflict, combating which requires urgent attention and prompt action by States, as well as by the international community,

Fully aware that, despite efforts undertaken by the international community, Governments and local authorities, the scourge of racism, racial discrimination, xenophobia and related intolerance persists and continues to result in violations of human rights, suffering, disadvantage and violence, which must be combated by all available and appropriate means and as a matter of the highest priority, preferably in cooperation with affected communities,

Noting with concern the continued and violent occurrence of racism, racial discrimination, xenophobia and related intolerance, and that theories of superiority of certain races and cultures over others, promoted and practised during the colonial era, continue to be propounded in one form or another even today,

Alarmed by the emergence and continued occurrence of racism, racial discrimination, xenophobia and related intolerance in their more subtle and contemporary forms and manifestations, as well as by other ideologies and practices based on racial or ethnic discrimination or superiority,

Strongly rejecting any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races,

Recognizing that failure to combat and denounce racism, racial discrimination, xenophobia and related intolerance by all, especially by public authorities and politicians at all levels, is a factor encouraging their perpetuation,

Reaffirming that States have the duty to protect and promote the human rights and fundamental freedoms of all victims, and that they should apply a gender¹ perspective, recognizing the multiple forms of discrimination which women can face, and that the enjoyment of their civil, political, economic, social and cultural rights is essential for the development of societies throughout the world,

Recognizing both the challenges and opportunities presented by an increasingly globalized world in relation to the struggle to eradicate racism, racial discrimination, xenophobia and related intolerance,

Determined, in an era when globalization and technology have contributed considerably to bringing people together, to materialize the notion of a human family based on equality, dignity and solidarity, and to make the twenty-first century a century of human rights, the eradication of racism, racial discrimination, xenophobia and related intolerance and the realization of genuine equality of opportunity and treatment for all individuals and peoples,

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

Dedicating ourselves to combating the scourge of racism, racial discrimination, xenophobia and related intolerance fully and effectively as a matter of priority, while drawing lessons from manifestations and past experiences of racism in all parts of the world with a view to avoiding their recurrence,

Joining together in a spirit of renewed political will and commitment to universal equality, justice and dignity, we salute the memory of all victims of racism, racial discrimination, xenophobia and related intolerance all over the world and solemnly adopt the Durban Declaration and Programme of Action,²

General issues

1. We declare that for the purpose of the present Declaration and Programme of Action, the victims of racism, racial discrimination, xenophobia and related intolerance are individuals or groups of individuals who are or have been negatively affected by, subjected to, or targets of these scourges;
2. We recognize that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status;
3. We recognize and affirm that, at the outset of the third millennium, a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community, and that this Conference offers a unique and historic opportunity for assessing and identifying all dimensions of those devastating evils of humanity with a view to their total elimination through, inter alia, the initiation of innovative and holistic approaches and the strengthening and enhancement of practical and effective measures at the national, regional and international levels;
4. We express our solidarity with the people of Africa in their continuing struggle against racism, racial discrimination, xenophobia and related intolerance and recognize the sacrifices made by them, as well as their efforts in raising international public awareness of these inhuman tragedies;
5. We also affirm the great importance we attach to the values of solidarity, respect, tolerance and multiculturalism, which constitute the moral ground and inspiration for our worldwide struggle against racism, racial discrimination, xenophobia and related intolerance, inhuman tragedies which have affected people throughout the world, especially in Africa, for too long;
6. We further affirm that all peoples and individuals constitute one human family, rich in diversity. They have contributed to the progress of civilizations and cultures that form the common heritage of humanity. Preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies;
7. We declare that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies. Any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected along with theories which attempt to determine the existence of separate human races;
8. We recognize that religion, spirituality and belief play a central role in the lives of millions of women and men, and in the way they live and treat other persons. Religion,

spirituality and belief may and can contribute to the promotion of the inherent dignity and worth of the human person and to the eradication of racism, racial discrimination, xenophobia and related intolerance;

9. We note with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion;

10. We reaffirm that everyone is entitled to a social and international order in which all human rights can be fully realized for all, without any discrimination;

11. We note that the process of globalization constitutes a powerful and dynamic force which should be harnessed for the benefit, development and prosperity of all countries, without exclusion. We recognize that developing countries face special difficulties in responding to this central challenge. While globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We thus express our determination to prevent and mitigate the negative effects of globalization. These effects could aggravate, inter alia, poverty, underdevelopment, marginalization, social exclusion, cultural homogenization and economic disparities which may occur along racial lines, within and between States, and have an adverse impact. We further express our determination to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, which can contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance. Only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

12. We recognize that interregional and intraregional migration has increased as a result of globalization, in particular from the South to the North, and stress that policies towards migration should not be based on racism, racial discrimination, xenophobia and related intolerance;

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

13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences;

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today;

15. We recognize that apartheid and genocide in terms of international law constitute crimes against humanity and are major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and acknowledge the untold evil and suffering caused by these acts and affirm that wherever and whenever they occurred, they must be condemned and their recurrence prevented;

16. We recognize 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;

17. We note the importance of paying special attention to new manifestations of racism, racial discrimination, xenophobia and related intolerance to which youth and other vulnerable groups might be exposed;

18. We emphasize that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty;

19. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa and resolve to free every man, woman and child from the abject and dehumanizing conditions of extreme poverty to which more than one billion of them are currently subjected, to make the right to development a reality for everyone and to free the entire human race from want;

20. We recognize that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and very often one of its consequences and recall that non-discrimination is a fundamental principle of international humanitarian law. We underscore the need for all parties to armed conflicts to abide scrupulously by this principle and for States and the international community to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;

21. We express our deep concern that socio-economic development is being hampered by widespread internal conflicts which are due, among other causes, to gross violations of human rights, including those arising from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic, inclusive and participatory governance;

22. We express our concern that in some States political and legal structures or institutions, some of which were inherited and persist today, do not correspond to the multi-ethnic, pluricultural and plurilingual characteristics of the population and, in many cases, constitute an important factor of discrimination in the exclusion of indigenous peoples;

23. We fully recognize the rights of indigenous peoples consistent with the principles of sovereignty and territorial integrity of States, and therefore stress the need to adopt the appropriate constitutional, administrative, legislative and judicial measures, including those derived from applicable international instruments;

24. We declare that the use of the term "indigenous peoples" in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is in the context of, and without prejudice to the outcome of, ongoing international negotiations on texts that specifically deal with this issue, and cannot be construed as having any implications as to rights under international law;

25. We express our profound repudiation of the racism, racial discrimination, xenophobia and related intolerance that persist in some States in the functioning of the penal systems and in the application of the law, as well as in the actions and attitudes of institutions and individuals responsible for law enforcement, especially where this has contributed to certain groups being over-represented among persons under detention or imprisoned;

26. We affirm the need to put an end to impunity for violations of the human rights and fundamental freedoms of individuals and groups of individuals who are victimized by racism, racial discrimination, xenophobia and related intolerance;

27. We express our concern that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, including through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority;

28. We recall that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, as well as the crime of apartheid, constitute serious violations of human rights and, in some cases, qualify as crimes against humanity;

29. We strongly condemn the fact that slavery and slavery-like practices still exist today in parts of the world and urge States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights;

30. We affirm the urgent need to prevent, combat and eliminate all forms of trafficking in persons, in particular women and children, and recognize that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance;

Victims of racism, racial discrimination, xenophobia and related intolerance

31. We also express our deep concern whenever indicators in the fields of, *inter alia*, education, employment, health, housing, infant mortality and life expectancy for many peoples show a situation of disadvantage, particularly where the contributing factors include racism, racial discrimination, xenophobia and related intolerance;

32. We recognize the value and diversity of the cultural heritage of Africans and people of African descent and affirm the importance and necessity of ensuring their full integration into social, economic and political life with a view to facilitating their full participation at all levels in the decision-making process;

33. We consider it essential for all countries in the region of the Americas and all other areas of the African Diaspora to recognize the existence of their population of African descent and the cultural, economic, political and scientific contributions made by that population, and recognize the persistence of racism, racial discrimination, xenophobia and related intolerance that specifically affect them, and recognize that, in many countries, their long-standing inequality in terms of access to, *inter alia*, education, health care and housing has been a profound cause of the socio-economic disparities that affect them;

34. We recognize that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and of the denial by history of many of their rights, and assert that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind. Recognition should therefore be given to their rights to culture and their own identity; to participate freely and in equal conditions in political, social, economic and cultural life; to development in the context of their own aspirations and customs; to keep, maintain and foster their own forms of organization, their mode of life, culture, traditions and religious expressions; to maintain and use their own languages; to the protection of their traditional knowledge and their cultural and artistic heritage; to the use, enjoyment and conservation of the natural renewable resources of their habitat and to active participation in the design, implementation and development of educational systems and programmes, including those of a specific and characteristic nature; and where applicable to their ancestrally inhabited land;

35. We recognize that in many parts of the world, Africans and people of African descent face barriers as a result of social biases and discrimination prevailing in public and private institutions and express our commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Africans and people of African descent;

36. We recognize that in many parts of the world, Asians and people of Asian descent face barriers as a result of social biases and discrimination prevailing in public and private

institutions and express our commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Asians and people of Asian descent;

37. We note with appreciation that despite the racism, racial discrimination, xenophobia and related intolerance faced by them for centuries, people of Asian descent have contributed and continue to contribute significantly to the economic, social, political, scientific and cultural life of the countries where they live;

38. We call upon all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent;

39. We recognize that the indigenous peoples have been victims of discrimination for centuries and affirm that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and we stress the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;

40. We recognize the value and diversity of the cultures and the heritage of indigenous peoples, whose singular contribution to the development and cultural pluralism of society and full participation in all aspects of society, in particular on issues that are of concern to them, are fundamental for political and social stability, and for the development of the States in which they live;

41. We reiterate our conviction that the full realization by indigenous peoples of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance. We firmly reiterate our determination to promote their full and equal enjoyment of civil, political, economic, social and cultural rights, as well as the benefits of sustainable development, while fully respecting their distinctive characteristics and their own initiatives;

42. We emphasize that, in order for indigenous peoples freely to express their own identity and exercise their rights, they should be free from all forms of discrimination, which necessarily entails respect for their human rights and fundamental freedoms. Efforts are now being made to secure universal recognition for those rights in the negotiations on the draft declaration on the rights of indigenous peoples, including the following: to call themselves by their own names; to participate freely and on an equal footing in their country's political, economic, social and cultural development; to maintain their own forms of organization, lifestyles, cultures and traditions; to maintain and use their own languages; to maintain their own economic structures in the areas where they live; to take part in the development of their educational systems and programmes; to manage their lands and natural resources, including hunting and fishing rights; and to have access to justice on a basis of equality;

43. We also recognize the special relationship that indigenous peoples have with the land as the basis for their spiritual, physical and cultural existence and encourage States, wherever possible, to ensure that indigenous peoples are able to retain ownership of their lands and of those natural resources to which they are entitled under domestic law;

44. We welcome the decision to create the Permanent Forum on Indigenous Issues within the United Nations system, giving concrete expression to major objectives of the International Decade of the World's Indigenous People and the Vienna Declaration and Programme of Action;

45. We welcome the appointment by the United Nations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and express our commitment to cooperate with the Special Rapporteur;

46. We recognize the positive economic, social and cultural contributions made by migrants to both countries of origin and destination;

47. We reaffirm the sovereign right of each State to formulate and apply its own legal framework and policies for migration, and further affirm that these policies should be consistent with applicable human rights instruments, norms and standards, and designed to ensure that they are free of racism, racial discrimination, xenophobia and related intolerance;

48. We note with concern and strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them; reaffirm the responsibility of States to protect the human rights of migrants under their jurisdiction and reaffirm the responsibility of States to safeguard and protect migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups? and stress the need for their fair, just and equitable treatment in society and in the workplace;

49. We highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants. We underline that family reunification has a positive effect on integration and emphasize the need for States to facilitate family reunion;

50. We are mindful of the situation of vulnerability in which migrants frequently find themselves, owing, *inter alia*, to their departure from their countries of origin and to the difficulties they encounter because of differences in language, customs and culture, as well as economic and social difficulties and obstacles to the return of migrants who are undocumented or in an irregular situation;

51. We reaffirm the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance;

52. We note with concern that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from their countries of origin as refugees and asylum-seekers;

53. We recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers and internally displaced persons, among others, continue;

54. We underline the urgency of addressing the root causes of displacement and of finding durable solutions for refugees and displaced persons, in particular voluntary return in safety and dignity to the countries of origin, as well as resettlement in third countries and local integration, when and where appropriate and feasible;

55. We affirm our commitment to respect and implement humanitarian obligations relating to the protection of refugees, asylum-seekers, returnees and internally displaced persons, and note in this regard the importance of international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees, reaffirming that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime and recognizing the importance of their full application by States parties;

56. We recognize the presence in many countries of a Mestizo population of mixed ethnic and racial origins and its valuable contribution to the promotion of tolerance and respect in these societies, and we condemn discrimination against them, especially because such discrimination may be denied owing to its subtle nature;

57. We are conscious of the fact that the history of humanity is replete with major atrocities as a result of gross violations of human rights and believe that lessons can be learned through remembering history to avert future tragedies;

58. We recall that the Holocaust must never be forgotten;

59. We recognize with deep concern religious intolerance against certain religious communities, as well as the emergence of hostile acts and violence against such communities because of their religious beliefs and their racial or ethnic origin in various parts of the world which in particular limit their right to freely practise their belief;

60. We also recognize with deep concern the existence in various parts of the world of religious intolerance against religious communities and their members, in particular limitation of their right to practise their beliefs freely, as well as the emergence of increased negative stereotyping, hostile acts and violence against such communities because of their religious beliefs and their ethnic or so-called racial origin;

61. We recognize with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities;

62. We are conscious that humanity's history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings and note with alarm the increase of such practices in various parts of the world, and we urge people, particularly in conflict situations, to desist from racist incitement, derogatory language and negative stereotyping;

63. We are concerned about the plight of the Palestinian people under foreign occupation. We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel, and call upon all States to support the peace process and bring it to an early conclusion;

64. We call for a just, comprehensive and lasting peace in the region in which all peoples shall co-exist and enjoy equality, justice and internationally recognized human rights, and security;

65. We recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return;

66. We affirm that the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind;

67. We recognize that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and call upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

68. We recognize with deep concern the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers and recognize the need to develop effective policies and implementation mechanisms for their full achievement of equality;

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

70. We recognize the need to develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights because of racism, racial discrimination, xenophobia and related intolerance;

71. We deplore attempts to oblige women belonging to certain faiths and religious minorities to forego their cultural and religious identity, or to restrict their legitimate expression, or to discriminate against them with regard to opportunities for education and employment;

72. We note with concern the large number of children and young people, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance and stress the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children and young people who are victims of these practices;

73. We recognize that a child belonging to an ethnic, religious or linguistic minority or who is indigenous shall not be denied the right, individually or in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

74. We recognize that child labour is linked to poverty, lack of development and related socio-economic conditions and could in some cases perpetuate poverty and racial discrimination by disproportionately denying children from affected groups the opportunity to acquire the human capabilities needed in productive life and to benefit from economic growth;

75. We note with deep concern the fact that, in many countries, people infected or affected by HIV/AIDS, as well as those who are presumed to be infected, belong to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, which has a negative impact and impedes their access to health care and medication;

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels

76. We recognize that inequitable political, economic, cultural and social conditions can breed and foster racism, racial discrimination, xenophobia and related intolerance, which in turn exacerbate the inequity. We believe that genuine equality of opportunity for all, in all spheres, including that for development, is fundamental for the eradication of racism, racial discrimination, xenophobia and related intolerance;

77. We affirm that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world;

78. We affirm the solemn commitment of all States to promote universal respect for, and observance and protection of, all human rights, economic, social, cultural, civil and political, including the right to development, as a fundamental factor in the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

79. We firmly believe that the obstacles to overcoming racial discrimination and achieving racial equality mainly lie in the lack of political will, weak legislation and lack of implementation strategies and concrete action by States, as well as the prevalence of racist attitudes and negative stereotyping;

80. We firmly believe that education, development and the faithful implementation of all international human rights norms and obligations, including enactment of laws and political, social and economic policies, are crucial to combat racism, racial discrimination, xenophobia and related intolerance;

81. We recognize that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance. We reaffirm that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

82. We affirm that the Dialogue among Civilizations constitutes a process to attain identification and promotion of common grounds among civilizations, recognition and promotion of the inherent dignity and of the equal rights of all human beings and respect for fundamental principles of justice; in this way, it can dispel notions of cultural superiority based on racism, racial discrimination, xenophobia and related intolerance, and facilitate the building of a reconciled world for the human family;

83. We underline the key role that political leaders and political parties can and ought to play in combating racism, racial discrimination, xenophobia and related intolerance and encourage political parties to take concrete steps to promote solidarity, tolerance and respect;

84. We condemn the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice, and state that these phenomena can never be justified in any instance or in any circumstances;

85. We condemn political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance. We reaffirm that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations and international peace and security;

86. We recall that the dissemination of all ideas based upon racial superiority or hatred shall be declared an offence punishable by law with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination;

87. We note that article 4, paragraph b, of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts. These organizations shall be condemned and discouraged;

88. We recognize that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance. In this regard we draw attention to the power of advertising;

89. We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups;

90. We recognize the positive contribution that the exercise of the right to freedom of expression, particularly by the media and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information can make to the fight against racism, racial discrimination, xenophobia and related intolerance; we reiterate the need to respect the editorial independence and autonomy of the media in this regard;

91. We express deep concern about the use of new information technologies, such as the Internet, for purposes contrary to respect for human values, equality, non-discrimination, respect for others and tolerance, including to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, in particular, children and youth having access to this material could be negatively influenced by it;

92. We also recognize the need to promote the use of new information and communication technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance; new technologies can assist the promotion of tolerance and respect for human dignity, and the principles of equality and non-discrimination;

93. We affirm that all States should recognize the importance of community media that give a voice to victims of racism, racial discrimination, xenophobia and related intolerance;

94. We reaffirm that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices, and which must be condemned;

95. We recognize that education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies; we further affirm that such education is a determining factor in

the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance;

96. We recognize that quality education, the elimination of illiteracy and access to free primary education for all can contribute to more inclusive societies, equity, stable and harmonious relations and friendship among nations, peoples, groups and individuals, and a culture of peace, fostering mutual understanding, solidarity, social justice and respect for all human rights for all;

97. We underline the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance and the essential role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially amongst children and young people, in the prevention and eradication of all forms of intolerance and discrimination;

Provision of effective remedies, recourse, redress, and compensatory and other measures at the national, regional and international levels

98. We emphasize the importance and necessity of teaching about the facts and truth of the history of humankind from antiquity to the recent past, as well as of teaching about the facts and truth of the history, causes, nature and consequences of racism, racial discrimination, xenophobia and related intolerance, with a view to achieving a comprehensive and objective cognizance of the tragedies of the past;

99. We acknowledge and profoundly regret the massive human suffering and the tragic plight of millions of men, women and children caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, and call upon States concerned to honour the memory of the victims of past tragedies and affirm that, wherever and whenever these occurred, they must be condemned and their recurrence prevented. We regret that these practices and structures, political, socio-economic and cultural, have led to racism, racial discrimination, xenophobia and related intolerance;

100. We acknowledge and profoundly regret the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies. We further note that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed;

101. With a view to closing those dark chapters in history and as a means of reconciliation and healing, we invite the international community and its members to honour the memory of the victims of these tragedies. We further note that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so;

102. We are aware of the moral obligation on the part of all concerned States and call upon these States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices;

103. We recognize the consequences of past and contemporary forms of racism, racial discrimination, xenophobia and related intolerance as serious challenges to global peace and security, human dignity and the realization of human rights and fundamental freedoms of many people in the world, in particular Africans, people of African descent, people of Asian descent and indigenous peoples;

104. We also strongly reaffirm as a pressing requirement of justice that victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, as enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

105. Guided by the principles set out in the Millennium Declaration and the recognition that we have a collective responsibility to uphold the principles of human dignity, equality and equity and to ensure that globalization becomes a positive force for all the world's people, the international community commits itself to working for the beneficial integration of the developing countries into the global economy, resisting their marginalization, determined to achieve accelerated economic growth and sustainable development and to eradicate poverty, inequality and deprivation;

106. We emphasize that remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity;

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

107. We underscore the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative institutions, as well as the need to promote effective access to justice, as well as to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination;

108. We recognize the necessity for special measures or positive actions for the victims of racism, racial discrimination, xenophobia and related intolerance in order to promote their full integration into society. Those measures for effective action, including social measures, should aim at correcting the conditions that impair the enjoyment of rights and the introduction of special measures to encourage equal participation of all racial and cultural, linguistic and religious groups in all sectors of society and to bring all onto an equal footing. Those measures should include measures to achieve appropriate representation in educational institutions, housing, political parties, parliaments and employment, especially in the judiciary, police, army and other civil services, which in some cases might involve electoral reforms, land reforms and campaigns for equal participation;

109. We recall the importance of enhancing international cooperation to promote (a) the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation by States of international treaties and instruments that forbid these practices; (c) the goals of the Charter of the United Nations in this regard; (d) the achievement of the goals established by the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992, the World Conference on Human Rights held in Vienna in 1993, the International Conference on Population and Development held in Cairo in 1994, the World Summit for Social Development held in Copenhagen in 1995, the Fourth World Conference on Women held in Beijing in 1995, the United Nations Conference on Human Settlements (Habitat II) held in Istanbul in 1996; and the World Food Summit held in Rome in 1996, making sure that such goals encompass with equity all the victims of racism, racial discrimination, xenophobia and related intolerance;

110. We recognize the importance of cooperation among States, relevant international and regional organizations, the international financial institutions, non-governmental organizations and individuals in the worldwide fight against racism, racial discrimination, xenophobia and related intolerance, and that success in this fight requires specifically taking into consideration the grievances, opinions and demands of the victims of such discrimination;

111. We reiterate that the international response and policy, including financial assistance, towards refugees and displaced persons in different parts of the world should not be based on discrimination on the grounds of race, colour, descent, or national or ethnic origin of the refugees and displaced persons concerned and, in this context, we urge the international community to provide adequate assistance on an equitable basis to host countries, in particular to host developing countries and countries in transition;

112. We recognize the importance of independent national human rights institutions conforming to the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and other relevant specialized institutions created by law for the promotion and protection of human rights, including ombudsman institutions, in the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law. We encourage States, as appropriate, to establish such institutions and call upon the authorities and society in general in those countries where they are performing their tasks of promotion, protection and prevention to cooperate to the maximum extent possible with these institutions, while respecting their independence;

113. We recognize the important role relevant regional bodies, including regional associations of national human rights institutions, can play in combating racism, racial discrimination, xenophobia and related intolerance, and the key role they can play in monitoring and raising awareness about intolerance and discrimination at the regional level, and reaffirm support for such bodies where they exist and encourage their establishment;

114. We recognize the paramount role of parliaments in the fight against racism, racial discrimination, xenophobia and related intolerance in adopting appropriate legislation, overseeing its implementation and allocating the requisite financial resources;

115. We stress the importance of involving social partners and other non-governmental organizations in the design and implementation of training and development programmes;

116. We recognize the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

117. We also recognize that promoting greater respect and trust among different groups within society must be a shared but differentiated responsibility of government institutions, political leaders, grass-roots organizations and citizens. We underline that civil society plays an important role in promoting the public interest, especially in combating racism, racial discrimination, xenophobia and related intolerance;

118. We welcome the catalytic role that non-governmental organizations play in promoting human rights education and raising awareness about racism, racial discrimination, xenophobia and related intolerance. They can also play an important role in raising awareness of such issues in the relevant bodies of the United Nations, based upon their national, regional or international experiences. Bearing in mind the difficulties they face, we commit ourselves to creating an atmosphere conducive to the effective functioning of human rights non-governmental organizations, in particular anti-racist non-governmental organizations, in combating racism, racial discrimination, xenophobia and related intolerance. We recognize the precarious situation of human rights non-governmental organizations, including anti-racist non-governmental organizations, in many parts of the world and express our commitment to adhere to our international obligations and to lift any unlawful barriers to their effective functioning;

119. We encourage the full participation of non-governmental organizations in the follow-up to the World Conference;

120. We recognize that international and national exchange and dialogue, and the development of a global network among youth, are important and fundamental elements in building intercultural understanding and respect, and will contribute to the elimination of racism, racial discrimination, xenophobia and related intolerance;

121. We underline the usefulness of involving youth in the development of forward-looking national, regional and international strategies and in policies to fight racism, racial discrimination, xenophobia and related intolerance;

122. We affirm that our global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance is undertaken, and that the recommendations contained in the Programme of Action are made, in a spirit of solidarity and international cooperation and are inspired by the purposes and principles of the Charter of the United Nations and other relevant international instruments. These recommendations are made with due consideration for the past, the present and the future, and with a constructive and forward-looking approach. We recognize that the formulation and implementation of these strategies, policies, programmes and actions, which should be carried out efficiently and promptly, are the responsibility of all States, with the full involvement of civil society at the national, regional and international levels.

Programme of Action

Recognizing the urgent need to translate the objectives of the Declaration into a practical and workable Programme of Action, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:

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

1. Urges States in their national efforts, and in cooperation with other States, regional and international organizations and financial institutions, to promote the use of public and private investment in consultation with the affected communities in order to eradicate poverty, particularly in those areas in which victims of racism, racial discrimination, xenophobia and related intolerance predominantly live;

2. Urges States to take all necessary and appropriate measures to end enslavement and contemporary forms of slavery-like practices, to initiate constructive dialogue among States and implement measures with a view to correcting the problems and the damage resulting therefrom;

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

Victims: General

3. Urges States to work nationally and in cooperation with other States and relevant regional and international organizations and programmes to strengthen national mechanisms to promote and protect the human rights of victims of racism, racial discrimination, xenophobia and related intolerance who are infected, or presumably infected, with pandemic diseases such as HIV/AIDS and to take concrete measures, including preventive action, appropriate access to medication and treatment, programmes of education, training and mass media dissemination, to eliminate violence, stigmatization, discrimination, unemployment and other negative consequences arising from these pandemics;

Africans and people of African descent

4. Urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture;

5. Requests States, supported by international cooperation as appropriate, to consider positively concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives, in communities of primarily African descent;

6. Calls upon the United Nations, international financial and development institutions and other appropriate international mechanisms to develop capacity-building programmes intended for Africans and people of African descent in the Americas and around the world;
7. Requests the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent living in the African Diaspora and make proposals for the elimination of racial discrimination against people of African descent;
8. Urges financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:
 - (a) To assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of these populations in developing countries, inter alia through the preparation of specific programmes of action;
 - (b) To carry out special projects, through appropriate channels and in collaboration with Africans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
 - (c) To develop programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives;
9. Requests States to increase public actions and policies in favour of women and young males of African descent, given that racism affects them more deeply, placing them in a more marginalized and disadvantaged situation;
10. Urges States to ensure access to education and promote access to new technologies that would offer Africans and people of African descent, in particular women and children, adequate resources for education, technological development and long-distance learning in local communities, and further urges States to promote the full and accurate inclusion of the history and contribution of Africans and people of African descent in the education curriculum;
11. Encourages States to identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector, including the public service, and in particular the administration of justice, and to take appropriate measures to remove the obstacles identified and also to encourage the private sector to promote equal access to, and the equitable presence of, people of African descent at all levels within their organizations;

12. Calls upon States to take specific steps to ensure full and effective access to the justice system for all individuals, particularly those of African descent;

13. Urges States, in accordance with international human rights standards and their respective domestic legal framework, to resolve problems of ownership of ancestral lands inhabited for generations by people of African descent and to promote the productive utilization of land and the comprehensive development of these communities, respecting their culture and their specific forms of decision-making;

14. Urges States to recognize the particularly severe problems of religious prejudice and intolerance that many people of African descent experience and to implement policies and measures that are designed to prevent and eliminate all such discrimination on the basis of religion and belief, which, when combined with certain other forms of discrimination, constitutes a form of multiple discrimination;

Indigenous peoples

15. Urges States:

(a) To adopt or continue to apply, in concert with them, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment by indigenous peoples of their rights, as well as to guarantee them the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular in matters affecting or concerning their interests;

(b) To promote better knowledge of and respect for indigenous cultures and heritage; and welcomes measures already taken by States in these respects;

16. Urges States to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment, where appropriate, through the establishment, acquisition or expansion by indigenous peoples of enterprises, and the implementation of measures such as training, the provision of technical assistance and credit facilities;

17. Urges States to work with indigenous peoples to establish and implement programmes that provide access to training and services that could benefit the development of their communities;

18. Requests States to adopt public policies and give impetus to programmes on behalf of and in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in regard to education, their physical and mental health, economic life and in the matter of violence against them, including domestic violence; and to eliminating the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination;

19. Recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their Constitutions, laws, legal systems and policies in order to identify and eradicate racism, racial discrimination, xenophobia and related intolerance towards indigenous peoples and individuals, whether implicit, explicit or inherent;

20. Calls upon concerned States to honour and respect their treaties and agreements with indigenous peoples and to accord them due recognition and observance;

21. Calls upon States to give full and appropriate consideration to the recommendations produced by indigenous peoples in their own forums on the World Conference;

22. Requests States:

(a) To develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in this Programme of Action;

(b) To promote, in concert with indigenous organizations, local authorities and non-governmental organizations, actions aimed at overcoming racism, racial discrimination, xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in this regard;

(c) To promote understanding among society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples;

(d) To consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them;

23. Calls upon States to recognize the particular challenges faced by indigenous peoples and individuals living in urban environments and urges States to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance they encounter, paying particular attention to opportunities for their continued practice of their traditional, cultural, linguistic and spiritual ways of life;

Migrants

24. Requests all States to combat manifestations of a generalized rejection of migrants and actively to discourage all racist demonstrations and acts that generate xenophobic behaviour and negative sentiments towards, or rejection of, migrants;

25. Invites international and national non-governmental organizations to include monitoring and protection of the human rights of migrants in their programmes and activities and to sensitize Governments and increase public awareness in all States about the need to prevent racist acts and manifestations of discrimination, xenophobia and related intolerance against migrants;

26. Requests States to promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments, regardless of the migrants' immigration status;

27. Encourages States to promote education on the human rights of migrants and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly those who are in an irregular situation;

28. Calls upon States to facilitate family reunification in an expeditious and effective manner which has a positive effect on integration of migrants, with due regard for the desire of many family members to have an independent status;

29. Urges States to take concrete measures that would eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, including migrants, and ensure the full equality of all before the law, including labour law, and further urges States to eliminate barriers, where appropriate, to: participating in vocational training, collective bargaining, employment, contracts and trade union activity; accessing judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions;

30. Urges States:

(a) To develop and implement policies and action plans, and to reinforce and implement preventive measures, in order to foster greater harmony and tolerance between migrants and host societies, with the aim of eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence, perpetrated in many societies by individuals or groups;

(b) To review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

(c) To implement specific measures involving the host community and migrants in order to encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life;

(d) To ensure that migrants, regardless of their immigration status, detained by public authorities are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation;

(e) To ensure that the police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards, through, inter alia,

organizing specialized training courses for administrators, police officers, immigration officials and other interested groups;

(f) To consider the question of promoting the recognition of the educational, professional and technical credentials of migrants, with a view to maximizing their contribution to their new States of residence;

(g) To take all possible measures to promote the full enjoyment by all migrants of all human rights, including those related to fair wages and equal remuneration for work of equal value without distinction of any kind, and to the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control, social security, including social insurance, access to education, health care, social services and respect for their cultural identity;

(h) To consider adopting and implementing immigration policies and programmes that would enable immigrants, in particular women and children who are victims of spousal or domestic violence, to free themselves from abusive relationships;

31. Urges States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and their host countries, and the findings should be included in reports to treaty bodies;

32. Urges States to recognize the same economic opportunities and responsibilities to documented long-term migrants as to other members of society;

33. Recommends that host countries of migrants consider the provision of adequate social services, in particular in the areas of health, education and adequate housing, as a matter of priority, in cooperation with the United Nations agencies, the regional organizations and international financial bodies; also requests that these agencies provide an adequate response to requests for such services;

Refugees

34. Urges States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden-sharing and international cooperation, to share responsibilities;

35. Calls upon States to recognize the racism, racial discrimination, xenophobia and related intolerance that refugees may face as they endeavour to engage in the life of the societies of their host countries and encourages States, in accordance with their international obligations and commitments, to develop strategies to address this discrimination and to facilitate the full

enjoyment of the human rights of refugees. States parties should ensure that all measures relating to refugees must be in full accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

36. Urges States to take effective steps to protect refugee and internally displaced women and girls from violence, to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations;

Other victims

37. Urges States to take all possible measures to ensure that all persons, without any discrimination, are registered and have access to the necessary documentation reflecting their legal identity to enable them to benefit from available legal procedures, remedies and development opportunities, as well as to reduce the incidence of trafficking;

38. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States shall ensure that all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress;

39. Calls upon States to ensure that Roma/Gypsy/Sinti/Traveller children and youth, especially girls, are given equal access to education and that educational-curricula at all levels, including complementary programmes on intercultural education, which might, inter alia, include opportunities for them to learn the official languages in the pre-school period and to recruit Roma/Gypsy/Sinti/Traveller teachers and classroom assistants in order for such children and youth to learn their mother tongue, are sensitive and responsive to their needs;

40. Encourages States to adopt appropriate and concrete policies and measures, to develop implementation mechanisms, where these do not already exist, and to exchange experiences, in cooperation with representatives of the Roma/Gypsies/Sinti/Travellers, in order to eradicate discrimination against them, enable them to achieve equality and ensure their full enjoyment of all their human rights, as recommended in the case of the Roma by the Committee on the Elimination of Racial Discrimination in its general recommendation XXVII, so that their needs are met;

41. Recommends that the intergovernmental organizations address, as appropriate, in their projects of cooperation with and assistance to various States, the situation of the Roma/Gypsies/Sinti/Travellers and promote their economic, social and cultural advancement;

42. Calls upon States and encourages non-governmental organizations to raise awareness about the racism, racial discrimination, xenophobia and related intolerance experienced by the Roma/Gypsies/Sinti/Travellers, and to promote knowledge and respect for their culture and history;

43. Encourages the media to promote equal access to and participation in the media for the Roma/Gypsies/Sinti/Travellers, as well as to protect them from racist, stereotypical and

discriminatory media reporting, and calls upon States to facilitate the media's efforts in this regard;

44. Invites States to design policies aimed at combating racism, racial discrimination, xenophobia and related intolerance that are based on reliable statistical data recognizing the concerns identified in consultation with the Roma/Gypsies/Sinti/Travellers themselves reflecting as accurately as possible their status in society. All such information shall be collected in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees, and in consultation with the persons concerned;

45. Encourages States 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 such persons face in participating in economic, social, cultural and political life;

46. Urges States to ensure within their jurisdiction that persons belonging to national or ethnic, religious and linguistic minorities can exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, and also urges States and the international community to promote and protect the rights of such persons;

47. Urges States to guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference, and to participate effectively in the cultural, social, economic and political life of the country in which they live, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to;

48. Urges States to recognize the effect that discrimination, marginalization and social exclusion have had and continue to have on many racial groups living in a numerically based minority situation within a State, and to ensure that persons in such groups can exercise, as individual members of such groups, fully and effectively, all human rights and fundamental freedoms without distinction and in full equality before the law, and to take, where applicable, appropriate measures in respect of employment, housing and education with a view to preventing racial discrimination;

49. Urges States to take, where applicable, appropriate measures to prevent racial discrimination against persons belonging to national or ethnic, religious and linguistic minorities in respect of employment, health care, housing, social services and education, and in this context forms of multiple discrimination should be taken into account;

50. Urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on

an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities;

51. Urges States to involve women, especially women victims of racism, racial discrimination, xenophobia and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race and gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation;

52. Recognizing that poverty shapes economic and social status and establishes obstacles to the effective political participation of women and men in different ways and to different extents, urges States to undertake gender analyses of all economic and social policies and programmes, especially poverty eradication measures, including those designed and implemented to benefit those individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

53. Urges States and encourages all sectors of society to empower women and girls who are victims of racism, racial discrimination, xenophobia and related intolerance, so that they can fully exercise their rights in all spheres of public and private life, and to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives;

54. Urges States:

(a) To recognize that sexual violence which has been systematically used as a weapon of war, sometimes with the acquiescence or at the instigation of the State, is a serious violation of international humanitarian law that, in defined circumstances, constitutes a crime against humanity and/or a war crime, and that the intersection of discrimination on grounds of race and gender makes women and girls particularly vulnerable to this type of violence, which is often related to racism, racial discrimination, xenophobia and related intolerance;

(b) To end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls, as well as to ensure that persons in authority who are responsible for such crimes, including by committing, ordering, soliciting, inducing, aiding in, abetting, assisting or in any other way contributing to their commission or attempted commission, are identified, investigated, prosecuted and punished;

55. Requests States, in collaboration where necessary with international organizations, having the best interests of the child as a primary consideration, to provide protection against racism, racial discrimination, xenophobia and related intolerance against children, especially those in circumstances of particular vulnerability, and to pay special attention to the situation of such children when designing relevant policies, strategies and programmes;

56. Urges States, in accordance with their national law and their obligations under the relevant international instruments, to take all measures to the maximum extent of their available resources to guarantee, without any discrimination, the equal right of all children to the immediate registration of birth, in order to enable them to exercise their human rights and fundamental freedoms. States shall grant women equal rights with men with respect to nationality;

57. Urges States and international and regional organizations, and encourages non-governmental organizations and the private sector, to address the situation of persons with disabilities who are also subject to racism, racial discrimination, xenophobia and related intolerance; also urges States to take necessary measures to ensure their full enjoyment of all human rights and to facilitate their full integration into all fields of life;

III. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels

58. Urges States to adopt and implement, at both the national and international levels, effective measures and policies, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, which encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance, and to recognize, respect and maximize the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities and nations, in particular through public information and education programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes where the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

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

60. Urges States to adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the needs and experiences of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance, and also urges that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes;

61. Urges States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society;

62. Urges States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls;

63. Encourages the business sector, in particular the tourist industry and Internet providers, to develop codes of conduct, with a view to preventing trafficking in persons and protecting the victims of such traffic, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, dignity and security;

64. Urges States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies which include legislative measures, prevention campaigns and information exchange. It also urges States to allocate resources, as appropriate, to provide comprehensive programmes designed to provide assistance to, protection for, healing, reintegration into society and rehabilitation of victims. States shall provide or strengthen training for law enforcement, immigration and other relevant officials who deal with victims of trafficking in this regard;

65. Encourages the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), particularly those provisions relating to non-discrimination,

A. National level

1. Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance

66. Urges States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

67. Urges States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are victims of racism, racial discrimination, xenophobia and related intolerance. Special attention should be given to protecting people engaged in domestic work and trafficked persons from discrimination and violence, as well as to combating prejudice against them;

68. Urges States to adopt and implement, or strengthen, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the

Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention;

69. Urges States to enact and implement, as appropriate, laws against trafficking in persons, especially women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery, sexual exploitation or labour exploitation; also encourages States to create, if they do not already exist, mechanisms to combat such practices and to allocate adequate resources to ensure law enforcement and the protection of the rights of victims, and to reinforce bilateral, regional and international cooperation, including with non-governmental organizations that assist victims, to combat this trafficking in persons and smuggling of migrants;

70. Urges States to take all necessary constitutional, legislative and administrative measures to foster equality among individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance, and to review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to such forms of discrimination;

71. Urges States, including their law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel which is motivated by racism, racial discrimination, xenophobia and related intolerance, and to prosecute perpetrators of such misconduct;

72. Urges States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as “racial profiling” and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity;

73. Urges States to take measures to prevent genetic research or its applications from being used to promote racism, racial discrimination, xenophobia and related intolerance, to protect the privacy of personal genetic information and to prevent such information from being used for discriminatory or racist purposes;

74. Urges States and invites non-governmental organizations and the private sector:

(a) To create and implement policies that promote a high-quality and diverse police force free from racism, racial discrimination, xenophobia and related intolerance, and recruit actively all groups, including minorities, into public employment, including the police force and other agencies within the criminal justice system (such as prosecutors);

(b) To work to reduce violence, including violence motivated by racism, racial discrimination, xenophobia and related intolerance, by:

- (i) Developing educational materials to teach young people the importance of tolerance and respect;
- (ii) Addressing bias before it manifests itself in violent criminal activity;
- (iii) Establishing working groups consisting of, among others, local community leaders and national and local law enforcement officials, to improve coordination, community involvement, training, education and data collection, with the aim of preventing such violent criminal activity;
- (iv) Ensuring that civil rights laws that prohibit violent criminal activity are strongly enforced;
- (v) Enhancing data collection regarding violence motivated by racism, racial discrimination, xenophobia and related intolerance;
- (vi) Providing appropriate assistance to victims, and public education to prevent future incidents of violence motivated by racism, racial discrimination, xenophobia and related intolerance;

Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination

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

76. Urges States to give due consideration to the observations and recommendations of the Committee on the Elimination of Racial Discrimination. To that effect, States should consider setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on these observations and recommendations;

77. Urges States that have not yet done so to consider becoming parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

78. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

- (b) International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97);
- (c) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;
- (d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol;
- (e) International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- (f) Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization;
- (g) Convention on the Elimination of All Forms of Discrimination against Women of 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999;
- (h) Convention on the Rights of the Child of 1989 and its two Optional Protocols of 2000, and the International Labour Organization Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);
- (i) International Labour Organization Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- (j) International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Convention on Biological Diversity of 1992;
- (k) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;
- (l) The Rome Statute of the International Criminal Court of 1998;
- (m) United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention of 2000;

It further urges States parties to these instruments to implement them fully;

79. Calls upon 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;

80. Urges States to seek full respect for, and compliance with, the Vienna Convention on Consular Relations of 1963, especially as it relates to the right of foreign nationals, regardless of their legal and immigration status, to communicate with a consular officer of their own State in the case of arrest or detention;

81. Urges all States to prohibit discriminatory treatment based on race, colour, descent or national or ethnic origin against foreigners and migrant workers, inter alia, where appropriate, concerning the granting of work visas and work permits, housing, health care and access to justice;

82. Underlines the importance of combating impunity, including for crimes with a racist or xenophobic motivation, also at the international level, noting that impunity for violations of human rights and international humanitarian law is a serious obstacle to a fair and equitable justice system and, ultimately, reconciliation and stability; it also fully supports the work of the existing international criminal tribunals and ratification of the Rome Statute of the International Criminal Court, and urges all States to cooperate with these international criminal tribunals;

83. Urges States to make every effort to apply fully the relevant provisions of the International Labour Organization Declaration on Fundamental Principles and Rights at Work of 1998, in order to combat racism, racial discrimination, xenophobia and related intolerance;

Prosecution of perpetrators of racist acts

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

85. Urges States to undertake investigations to examine possible links between criminal prosecution, police violence and penal sanctions, on the one hand, and racism, racial discrimination, xenophobia and related intolerance, on the other, so as to have evidence for taking the necessary steps for the eradication of any such links and discriminatory practices;

86. Calls upon States to promote measures to deter the emergence of and to counter neo-fascist, violent nationalist ideologies which promote racial hatred and racial discrimination, as well as racist and xenophobic sentiments, including measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport;

87. Urges States parties to adopt legislation implementing the obligations they have assumed to prosecute and punish persons who have committed or ordered to be committed grave breaches of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto and of other serious violations of the laws and customs of war, in particular in relation to the principle of non-discrimination;

88. Calls upon States to criminalize all forms of trafficking in persons, in particular women and children, and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking, with full respect for their human rights;

89. Urges States to carry out comprehensive, exhaustive, timely and impartial investigations of all unlawful acts of racism and racial discrimination, to prosecute criminal offences ex officio, as appropriate, or initiate or facilitate all appropriate actions arising from offences of a racist or xenophobic nature, to ensure that criminal and civil investigations and prosecutions of offences of a racist or xenophobic nature are given high priority and are actively and consistently undertaken, and to ensure the right to equal treatment before the tribunals and all other organs administering justice. In this regard, the World Conference underlines the importance of fostering awareness and providing training to the various agents in the criminal justice system to ensure fair and impartial application of the law. In this respect, it recommends that anti-discrimination monitoring services be established;

Establishment and reinforcement of independent specialized national institutions and mediation

90. Urges States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena;

91. Also urges States:

- (a) To foster cooperation between these institutions and other national institutions;
- (b) To take steps to ensure that those individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance can participate fully in these institutions;
- (c) To support these institutions and similar bodies, inter alia through the publication and circulation of existing national laws and jurisprudence, and cooperation with institutions in other countries, so that knowledge can be gained of the manifestations, functions and mechanisms of these practices and the strategies designed to prevent, combat and eradicate them;

2. Policies and practices

Data collection and disaggregation, research and study

92. Urges States to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

(a) Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;

(b) The statistical data and information should be collected with the objective of monitoring the situation of marginalized groups, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information;

(c) The information should take into account economic and social indicators, including, where appropriate, health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income, in order to elaborate social and economic development policies with a view to closing the existing gaps in social and economic conditions;

93. Invites States, intergovernmental organizations, non-governmental organizations, academic institutions and the private sector to improve concepts and methods of data collection and analysis; to promote research, exchange experiences and successful practices and develop promotional activities in this area; and to develop indicators of progress and participation of individuals and groups of individuals in society subject to racism, racial discrimination, xenophobia and related intolerance;

94. Recognizes that policies and programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance should be based on quantitative and qualitative research, incorporating a gender perspective. Such policies and programmes should take into account priorities identified by individuals and groups of individuals who are victims of, or subject to, racism, racial discrimination, xenophobia and related intolerance;

95. Urges States to establish regular monitoring of acts of racism, racial discrimination, xenophobia and related intolerance in the public and private sectors, including those committed by law enforcement officials;

96. Invites States to promote and conduct studies and adopt an integral, objective and long-term approach to all phases and aspects of migration which will deal effectively with both its causes and manifestations. These studies and approaches should pay special attention to the root causes of migratory flows, such as lack of full enjoyment of human rights and fundamental freedoms, and the effects of economic globalization on migration trends;

97. Recommends that further studies be conducted on how racism, racial discrimination, xenophobia and related intolerance may be reflected in laws, policies, institutions

and practices and how this may have contributed to the victimization and exclusion of migrants, especially women and children;

98. Recommends that States include where applicable in their periodic reports to United Nations human rights treaty bodies, in an appropriate form, statistical information relating to individuals, members of groups and communities within their jurisdiction, including statistical data on participation in political life and on their economic, social and cultural situation. All such information shall be collected in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees;

Action-oriented policies and action plans, including affirmative action to ensure non-discrimination, in particular as regards access to social services, employment, housing, education, health care, etc.

99. Recognizes that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to develop or elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all. Through, among other things, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination. The World Conference encourages States, in developing and elaborating such action plans, to establish, or reinforce, dialogue with non-governmental organizations in order to involve them more closely in designing, implementing and evaluating policies and programmes;

100. Urges States to establish, on the basis of statistical information, national programmes, including affirmative or positive measures, to promote the access of individuals and groups of individuals who are or may be victims of racial discrimination to basic social services, including primary education, basic health care and adequate housing;

101. Urges States to establish programmes to promote the access without discrimination of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance to health care, and to promote strong efforts to eliminate disparities, inter alia in the infant and maternal mortality rates, childhood immunizations, HIV/AIDS, heart diseases, cancer and contagious diseases;

102. Urges States to promote residential integration of all members of the society at the planning stage of urban development schemes and other human settlements, as well as while renewing neglected areas of public housing, so as to counter social exclusion and marginalization;

Employment

103. Urges States to promote and support where appropriate the organization and operation of enterprises owned by persons who are victims of racism, racial discrimination, xenophobia and related intolerance by promoting equal access to credit and to training programmes;

104. Urges States and encourages non-governmental organizations and the private sector:

(a) To support the creation of workplaces free of discrimination through a multifaceted strategy that includes civil rights enforcement, public education and communication within the workplace, and to promote and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance;

(b) To foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital through, inter alia, community development banks, recognizing that new businesses can have a positive, dynamic impact on communities in need, and to work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas;

(c) To improve the prospects of targeted groups facing, inter alia, the greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination;

105. Urges States to give special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, as in the case of trafficked persons and smuggled-migrants, which makes them more vulnerable to ill-treatment such as confinement in the case of domestic workers and also being employed in dangerous and poorly paid jobs;

106. Urges States to avoid the negative effects of discriminatory practices, racism and xenophobia in employment and occupation by promoting the application and observance of international instruments and norms on workers' rights;

107. Calls upon States and encourages representative trade unions and the business sector to advance non-discriminatory practices in the workplace and protect the rights of workers, including, in particular, the victims of racism, racial discrimination, xenophobia and related intolerance;

108. Calls upon States to provide effective access to administrative and legal procedures and other remedial action to victims of racism, racial discrimination, xenophobia and related intolerance in the workplace;

Health, environment

109. Urges States, individually and through international cooperation, to enhance measures to fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance;

110. Urges States and encourages non-governmental organizations and the private sector:

(a) To provide effective mechanisms for monitoring and eliminating racism, racial discrimination, xenophobia and related intolerance in the health-care system, such as the development and enforcement of effective anti-discrimination laws;

(b) To take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitate the training of a health workforce that is both diverse and motivated to work in underserved communities, and work to increase diversity in the health-care profession by recruiting on merit and potential women and men from all groups, representing the diversity of their societies, for health-care careers and by retaining them in the health professions;

(c) To work with health-care professionals, community-based health providers, non-governmental organizations, scientific researchers and private industry as a means of improving the health status of marginalized communities, in particular victims of racism, racial discrimination, xenophobia and related intolerance;

(d) To work with health professionals, scientific researchers and international and regional health organizations to study the differential impact of medical treatments and health strategies on various communities;

(e) To adopt and implement policies and programmes to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services;

111. Invites States to consider non-discriminatory measures to provide a safe and healthy environment for individuals and groups of individuals victims of or subject to racism, racial discrimination, xenophobia and related intolerance, and in particular:

(a) To improve access to public information on health and environment issues;

(b) To ensure that relevant concerns are taken into account in the public process of decision-making on the environment;

(c) To share technology and successful practices to improve human health and environment in all areas;

(d) To take appropriate remedial measures, as possible, to clean, re-use and redevelop contaminated sites and, where appropriate, relocate those affected on a voluntary basis after consultations;

Equal participation in political, economic, social and cultural decision-making

112. Urges States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote

participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty alleviation strategies, development projects, and trade and market assistance programmes;

113. Urges States to promote, as appropriate, effective and equal access of all members of the community, especially those who are victims of racism, racial discrimination, xenophobia and related intolerance, to the decision-making process in society at all levels and in particular at the local level, and also urges States and encourages the private sector to facilitate their effective participation in economic life;

114. Urges all multilateral financial and development institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and regional development banks, to promote, in accordance with their regular budgets and the procedures of their governing bodies, participation by all members of the international community in decision-making processes at all stages and levels in order to facilitate development projects and, as appropriate, trade and market access programmes;

Role of politicians and political parties

115. Underlines the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia by developing voluntary codes of conduct which include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

116. Invites the Inter-Parliamentary Union to encourage debate in, and action by, parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

3. Education and awareness-raising measures

117. Urges States, where appropriate working with other relevant bodies, to commit financial resources to anti-racism education and to media campaigns promoting the values of acceptance, tolerance, diversity and respect for the cultures of all indigenous peoples living within their national borders. In particular, States should promote an accurate understanding of the histories and cultures of indigenous peoples;

118. Urges the United Nations, other appropriate international and regional organizations and States to redress the marginalization of Africa's contribution to world history and civilization by developing and implementing a specific and comprehensive programme of research, education and mass communication to disseminate widely a balanced and objective presentation of Africa's seminal and valuable contribution to humanity;

119. Invites States and relevant international organizations and non-governmental organizations to build upon the efforts of the Slave Route Project of the United Nations

Educational Scientific and Cultural Organization and its theme of “Breaking the silence” by developing texts and testimony, slavery multi-media centres and/or programmes that will collect, record, organize, exhibit and publish the existing data relevant to the history of slavery and the trans-Atlantic, Mediterranean and Indian Ocean slave trades, paying particular attention to the thoughts and actions of the victims of slavery and the slave trade, in their quest for freedom and justice;

120. Salutes the efforts of the United Nations Educational, Scientific and Cultural Organization made within the framework of the Slave Route Project and requests that the outcome be made available to the international community as soon as possible;

Access to education without discrimination

121. Urges States to commit themselves to ensuring access to education, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education, based on respect for human rights, diversity and tolerance, without discrimination of any kind;

122. Urges States to ensure equal access to education for all in law and in practice, and to refrain from any legal or any other measures leading to imposed racial segregation in any form in access to schooling;

123. Urges States:

(a) To adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal;

(b) To take all appropriate measures to eliminate obstacles limiting the access of children to education;

(c) To ensure that all children have access without discrimination to education of good quality;

(d) To establish and implement standardized methods to measure and track the educational performance of disadvantaged children and young people;

(e) To commit resources to eliminate, where they exist, inequalities in educational outcomes for children and young people;

(f) To support efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance; and

(g) To consider establishing financial assistance programmes designed to enable all students, regardless of race, colour, descent or ethnic or national origin, to attend institutions of higher education;

124. Urges States to adopt, where applicable, appropriate measures to ensure that persons belonging to national or ethnic, religious and linguistic minorities have access to education without discrimination of any kind and, where possible, have an opportunity to learn their own language in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they may be subjected to;

Human rights education

125. Requests States to include the struggle against racism, racial discrimination, xenophobia and related intolerance among the activities undertaken within the framework of the United Nations Decade for Human Rights Education (1995-2004) and to take into account the recommendations of the mid-term evaluation report of the Decade;

126. Encourages all States, in cooperation with the United Nations, the United Nations Educational, Scientific and Cultural Organization and other relevant international organizations, to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, in order to ensure respect for the dignity and worth of all human beings and enhance mutual understanding among all cultures and civilizations. It further urges States to support and implement public information campaigns and specific training programmes in the field of human rights, where appropriate formulated in local languages, to combat racism, racial discrimination, xenophobia and related intolerance and promote respect for the values of diversity, pluralism, tolerance, mutual respect, cultural sensitivity, integration and inclusiveness. Such programmes and campaigns should be addressed to all sectors of society, in particular children and young people;

127. Urges States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

128. Urges States, if appropriate in cooperation with relevant organizations, including youth organizations, to support and implement public formal and non-formal education programmes designed to promote respect for cultural diversity;

Human rights education for children and youth

129. Urges States to introduce and, as applicable, to reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula, to develop and improve relevant educational material, including history and other textbooks, and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns, based on the principles of non-discrimination, mutual respect and tolerance;

130. Calls upon States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups. A special effort to inform and sensitize young people to respect democratic values and human rights should be undertaken or developed to fight against ideologies based on the fallacious theory of racial superiority;

131. Urges States to encourage all schools to consider developing educational activities, including extracurricular ones, to raise awareness against racism, racial discrimination, xenophobia and related intolerance, inter alia by commemorating the International Day for the Elimination of Racial Discrimination (21 March);

132. Recommends that States introduce, or reinforce, human rights education, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship between different racial or ethnic groups, in schools and in institutions of higher education, and support public formal and non-formal education programmes designed to promote respect for cultural diversity and the self-esteem of victims;

Human rights education for public officials and professionals

133. Urges States to develop and strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly in law enforcement, correctional and security services, as well as among health-care, schools and migration authorities;

134. Urges States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the administration of justice and fair trial, and to conduct nationwide campaigns, amongst other measures, to raise awareness among State organs and public officials concerning their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments;

135. Requests States, wherever appropriate through cooperation with international organizations, national institutions, non-governmental organizations and the private sector, to organize and facilitate training activities, including courses or seminars, on international norms prohibiting racial discrimination and their applicability in domestic law, as well as on their international human rights obligations, for prosecutors, members of the judiciary and other public officials;

136. Calls upon States to ensure that education and training, especially teacher training, promote respect for human rights and the fight against racism, racial discrimination, xenophobia and related intolerance and that educational institutions implement policies and programmes agreed by the relevant authorities on equal opportunities, anti-racism, gender equality, and cultural, religious and other diversity, with the participation of teachers, parents and students, and follow up their implementation. It further urges all educators, including teachers at all levels of education, religious communities and the print and electronic media, to play an

effective role in human rights education, including as a means to combat racism, racial discrimination, xenophobia and related intolerance;

137. Encourages States to consider taking measures to increase the recruitment, retention and promotion of women and men belonging to groups which are currently under-represented in the teaching profession as a result of racism, racial discrimination, xenophobia and related intolerance, and to guarantee them effective equality of access to the profession. Particular efforts should be made to recruit women and men who have the ability to interact effectively with all groups;

138. Urges States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance;

139. Urges States to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

4. Information, communication and the media, including new technologies

140. Welcomes the positive contribution made by the new information and communications technologies, including the Internet, in combating racism through rapid and wide-reaching communication;

141. Draws attention to the potential to increase the use of the new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as the ability of the Internet to promote universal respect for human rights and also respect for the value of cultural diversity;

142. Emphasizes the importance of recognizing the value of cultural diversity and of putting in place concrete measures to encourage the access of marginalized communities to the mainstream and alternative media through, inter alia, the presentation of programmes that reflect their cultures and languages;

143. Expresses concern at the material progression of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, such as the use of the new information and communications technologies, including the Internet, to disseminate ideas of racial superiority;

144. Urges States and encourages the private sector to promote the development by the media, including the print and electronic media, including the Internet and advertising, taking into account their independence, through their relevant associations and organizations at the national, regional and international levels, of a voluntary ethical code of conduct and self-regulatory measures, and of policies and practices aimed at:

- (a) Combating racism, racial discrimination, xenophobia and related intolerance;
- (b) Promoting the fair, balanced and equitable representation of the diversity of their societies, as well as ensuring that this diversity is reflected among their staff;
- (c) Combating the proliferation of ideas of racial superiority, justification of racial hatred and discrimination in any form;
- (d) Promoting respect, tolerance and understanding among all individuals, peoples, nations and civilizations, for example through assistance in public awareness-raising campaigns;
- (e) Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees, in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history;

145. Urges States to implement legal sanctions, in accordance with relevant international human rights law, in respect of incitement to racial hatred through new information and communications technologies, including the Internet, and further urges them to apply all relevant human rights instruments to which they are parties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, to racism on the Internet;

146. Urges States to encourage the media to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance;

147. Calls upon States to consider the following, taking fully into account existing international and regional standards on freedom of expression, while taking all necessary measures to guarantee the right to freedom of opinion and expression:

- (a) Encouraging Internet service providers to establish and disseminate specific voluntary codes of conduct and self-regulatory measures against the dissemination of racist messages and those that result in racial discrimination, xenophobia or any form of intolerance and discrimination; to that end, Internet providers are encouraged to set up mediating bodies at national and international levels, involving relevant civil society institutions;
- (b) Adopting and applying, to the extent possible, appropriate legislation for prosecuting those responsible for incitement to racial hatred or violence through the new information and communications technologies, including the Internet;

(c) Addressing the problem of dissemination of racist material through the new information and communications technologies, including the Internet, inter alia by imparting training to law enforcement authorities;

(d) Denouncing and actively discouraging the transmission of racist and xenophobic messages through all communications media, including new information and communications technologies, such as the Internet;

(e) Considering a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material through the new information and communications technologies, including the Internet; and in this context strengthening international cooperation;

(f) Encouraging access and use by all people of the Internet as an international and equal forum, aware that there are disparities in use of and access to the Internet;

(g) Examining ways in which the positive contribution made by the new information and communications technologies, such as the Internet, can be enhanced through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance;

(h) Encouraging the reflection of the diversity of societies among the personnel of media organizations and the new information and communications technologies, such as the Internet, by promoting adequate representation of different segments within societies at all levels of their organizational structure;

B. International level

148. Urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

149. Believes that all conflicts and disputes should be resolved through peaceful means and political dialogue. The Conference calls on all parties involved in such conflicts to exercise restraint and to respect human rights and international humanitarian law;

150. Calls upon States, in opposing all forms of racism, to recognize the need to counter anti-Semitism, anti-Arabism and Islamophobia world-wide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities;

151. As for the situation in the Middle East, calls for the end of violence and the swift resumption of negotiations, respect for international human rights and humanitarian law, respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom;

152. Encourages States, regional and international organizations, including financial institutions, as well as civil society, to address within existing mechanisms, or where necessary to put in place and/or develop mechanisms, to address those aspects of globalization which may lead to racism, racial discrimination, xenophobia and related intolerance;

153. Recommends that the Department of Peacekeeping Operations of the Secretariat and other concerned United Nations agencies, bodies and programmes strengthen their coordination to discern patterns of serious violations of human rights and humanitarian law with a view to assessing the risk of further deterioration that could lead to genocide, war crimes or crimes against humanity;

154. Encourages the World Health Organization and other relevant international organizations to promote and develop activities for the recognition of the impact of racism, racial discrimination, xenophobia and related intolerance as significant social determinants of physical and mental health status, including the HIV/AIDS pandemic, and access to health care, and to prepare specific projects, including research, to ensure equitable health systems for the victims;

155. Encourages the International Labour Organization to carry out activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance in the world of work, and to support actions of States, employers' organizations and trade unions in this field;

156. Urges the United Nations Educational, Scientific and Cultural Organization to provide support to States in the preparation of teaching materials and tools for promoting teaching, training and educational activities relating to human rights and the struggle against racism, racial discrimination, xenophobia and related intolerance;

IV. Provision of effective remedies, recourse, redress, and other measures at the national, regional and international levels

157. Recognizes the efforts of developing countries, in particular the commitment and the determination of the African leaders, to seriously address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, through initiatives such as the New African Initiative and other innovative mechanisms such as the World Solidarity Fund for the Eradication of Poverty, and calls upon developed countries, the United Nations and its specialized agencies, as well as international financial institutions, to provide, through their operational programmes, new and additional financial resources, as appropriate, to support these initiatives;

158. Recognizes that these historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries. The Conference recognizes the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas:

Debt relief;

Poverty eradication;

Building or strengthening democratic institutions;

Promotion of foreign direct investment;

Market access;

Intensifying efforts to meet the internationally agreed targets for official development assistance transfers to developing countries;

New information and communication technologies bridging the digital divide;

Agriculture and food security;

Transfer of technology;

Transparent and accountable governance;

Investment in health infrastructure tackling HIV/AIDS, tuberculosis and malaria, including through the Global AIDS and Health Fund;

Infrastructure development;

Human resource development, including capacity-building;

Education, training and cultural development;

Mutual legal assistance in the repatriation of illegally obtained and illegally transferred (stashed) funds, in accordance with national and international instruments;

Illicit traffic in small arms and light weapons;

Restitution of art objects, historical artefacts and documents to their countries of origin, in accordance with bilateral agreements or international instruments;

Trafficking in persons, particularly women and children;

Facilitation of welcomed return and resettlement of the descendants of enslaved Africans;

159. Urges international financial and development institutions and the operational programmes and specialized agencies of the United Nations to give greater priority to, and allocate appropriate funding for, programmes addressing the development challenges of the affected States and societies, in particular those on the African continent and in the Diaspora;

Legal assistance

160. Urges States to take all necessary measures to address, as a matter of urgency, the pressing requirement for justice for the victims of racism, racial discrimination, xenophobia and related intolerance and to ensure that victims have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance, where required;

161. Urges States to facilitate for victims of racial discrimination, including victims of torture and ill-treatment, access to all appropriate legal procedures and free legal assistance in a manner adapted to their specific needs and vulnerability, including through legal representation;

162. Urges States to ensure the protection against victimization of complainants and witnesses of acts of racism, racial discrimination, xenophobia and related intolerance, and to consider measures such as, where appropriate, making legal assistance, including legal aid, available to complainants seeking a legal remedy and, if possible, affording the possibility for non-governmental organizations to support complainants of racism, with their consent, in legal procedures;

National legislation and programmes

163. For the purposes of effectively combating racism and racial discrimination, xenophobia and related intolerance in the civil, political, economic, social and cultural fields, the Conference recommends to all States that their national legislative framework should expressly and specifically prohibit racial discrimination and provide effective judicial and other remedies or redress, including through the designation of national, independent, specialized bodies;

164. Urges States, with regard to the procedural remedies provided for in their domestic law, to bear in mind the following considerations:

- (a) Access to such remedies should be widely available, on a non-discriminatory and equal basis;
- (b) Existing procedural remedies should be made known in the context of the relevant action, and victims of racial discrimination should be helped to avail themselves of them in accordance with the particular case;
- (c) Inquiries into complaints of racial discrimination and the adjudication of such complaints must be carried out as rapidly as possible;
- (d) Persons who are victims of racial discrimination should be accorded legal assistance and aid in complaint proceedings, where applicable free of charge, and, where necessary, should be provided with the help of competent interpreters in such complaint proceedings or in any civil or criminal cases arising therefrom or connected thereto;
- (e) The creation of competent national bodies to investigate effectively allegations of racial discrimination and to give protection to complainants against intimidation or harassment is a desirable development and should be undertaken; steps should be taken towards the enactment

of legislation to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin, and to provide for the application of appropriate penalties against offenders and remedies, including adequate compensation, for the victims;

(f) Access to legal remedies should be facilitated for victims of discrimination and, in this regard, the innovation of conferring a capacity on national and other institutions, as well as relevant non-governmental organizations, to assist such victims should be seriously considered, and programmes should be developed to enable the most vulnerable groups to have access to the legal system;

(g) New and innovative methods and procedures of conflict resolution, mediation and conciliation between parties involved in conflicts or disputes based on racism, racial discrimination, xenophobia and related intolerance should be explored and, where possible, established;

(h) The development of restorative justice policies and programmes for the benefit of victims of relevant forms of discrimination is desirable and should be seriously considered;

(i) States which have made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination should make increased efforts to inform their public of the existence of the complaints mechanism under article 14;

Remedies, reparations, compensation

165. Urges States to reinforce protection against racism, racial discrimination, xenophobia and related intolerance by ensuring that all persons have access to effective and adequate remedies and enjoy the right to seek from competent national tribunals and other national institutions just and adequate reparation and satisfaction for any damage as a result of such discrimination. It further underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination and draws attention to the need for judicial and other remedies to be made widely known, easily accessible, expeditious and not unduly complicated;

166. Urges States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek just and adequate reparation and satisfaction to redress acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

V. 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 and follow-up

167. Calls upon States to apply diligently all commitments undertaken by them in the declarations and plans of action of the regional conferences in which they participated, and to formulate national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance in compliance with the objectives set forth therein, and as provided for in

other relevant instruments and decisions; and further requests that, in cases where such national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance already exist, States incorporate in them the commitments arising from their regional conferences;

168. Urges States that have not yet done so to consider acceding to the Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977, as well as to other treaties of international humanitarian law, and to enact, with the highest priority, appropriate legislation, taking the measures required to give full effect to their obligations under international humanitarian law, in particular in relation to the rules prohibiting discrimination;

169. Urges States to develop cooperation programmes to promote equal opportunities for the benefit of victims of racism, racial discrimination, xenophobia and related intolerance and encourages them to propose the creation of multilateral cooperation programmes with the same objective;

170. Invites States to include the subject of the struggle against racism, racial discrimination, xenophobia and related intolerance in the work programmes of the regional integration agencies and of the regional cross-boundary dialogue forums;

171. Urges States to recognize the challenges that people of different socially constructed races, colours, descent, national or ethnic origins, religions and languages experience in seeking to live together and to develop harmonious multiracial and multicultural societies; also urges States to recognize that the positive examples of relatively successful multiracial and multicultural societies, such as some of those in the Caribbean region, need to be examined and analysed, and that techniques, mechanisms, policies and programmes for reconciling conflicts based on factors related to race, colour, descent, language, religion, or national or ethnic origin and for developing harmonious multiracial and multicultural societies need to be systematically considered and developed, and therefore requests the United Nations and its relevant specialized agencies to consider establishing an international centre for multiracial and multicultural studies and policy development to undertake this critical work for the benefit of the international community;

172. Urges States to protect the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and to develop appropriate legislative and other measures to encourage conditions for the promotion of that identity, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance. In this context, forms of multiple discrimination should be fully taken into account;

173. Further urges States to ensure the equal protection and promotion of the identities of the historically disadvantaged communities in those unique circumstances where this may be appropriate;

174. Urges States to take or strengthen measures, including through bilateral or multilateral cooperation, to address root causes, such as poverty, underdevelopment and lack of equal opportunity, some of which may be associated with discriminatory practices, that make

persons, especially women and children, vulnerable to trafficking, which may give rise to racism, racial discrimination, xenophobia and related intolerance;

175. Encourages States, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking;

176. Urges States to adopt and implement social development policies based on reliable statistical data and centred on the attainment, by the year 2015, of the commitments to meet the basic needs of all set forth in paragraph 36 of the Programme of Action of the World Summit for Social Development, held at Copenhagen in 1995, with a view to closing significantly the existing gaps in living conditions faced by victims of racism, racial discrimination, xenophobia and related intolerance, especially regarding the illiteracy rate, universal primary education, infant mortality, under-five child mortality, health, reproductive health care for all and access to safe drinking water. Promotion of gender equality will also be taken into account in the adoption and implementation of these policies;

International legal framework

177. Urges States to continue cooperating with the Committee on the Elimination of Racial Discrimination and other human rights treaty monitoring bodies in order to promote, including by means of a constructive and transparent dialogue, the effective implementation of the instruments concerned and proper consideration of the recommendations adopted by these bodies with regard to complaints of racism, racial discrimination, xenophobia and related intolerance;

178. Requests adequate resources for the Committee on the Elimination of Racial Discrimination in order to enable it to discharge its mandate fully and stresses the importance of providing adequate resources for all the United Nations human rights treaty bodies;

General international instruments

179. Endorses efforts of the international community, in particular steps taken under the auspices of the United Nations Educational, Scientific and Cultural Organization, to promote respect for and preserve cultural diversity within and between communities and nations with a view to creating a harmonious multicultural world, including elaboration of a possible international instrument in this respect in a manner consistent with international human rights instruments;

180. Invites the United Nations General Assembly to consider elaborating an integral and comprehensive international convention to protect and promote the rights and dignity of disabled people, including, especially, provisions that address the discriminatory practices and treatment affecting them;

Regional/international cooperation

181. Invites the Inter-Parliamentary Union to contribute to the activities of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance by encouraging national parliaments to review progress on the objectives of the Conference;

182. Encourages States to participate in regional dialogues on problems of migration and invites them to consider negotiating bilateral and regional agreements on migrant workers and designing and implementing programmes with States of other regions to protect the rights of migrants;

183. Urges States, in consultation with civil society, to support or otherwise establish, as appropriate, regional, comprehensive dialogues on the causes and consequences of migration that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of migrants and on the relationship between migration and development;

184. Encourages international organizations having mandates dealing specifically with migration issues to exchange information and coordinate their activities on matters involving racism, racial discrimination, xenophobia and related intolerance against migrants, including migrant workers, with the support of the Office of the United Nations High Commissioner for Human Rights;

185. Expresses its deep concern over the severity of the humanitarian suffering of affected civilian populations and the burden carried by many receiving countries, particularly developing countries and countries in transition, and requests the relevant international institutions to ensure that urgent adequate financial and humanitarian assistance is maintained for the host countries to enable them to help the victims and to address, on an equitable basis, difficulties of populations expelled from their homes, and calls for sufficient safeguards to enable refugees to exercise freely their right of return to their countries of origin voluntarily, in safety and dignity;

186. Encourages States to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and children, in particular girls, as well as the smuggling of migrants;

187. Calls upon States, to promote, as appropriate, exchanges at the regional and international levels among independent national institutions and, as applicable, other relevant independent bodies with a view to enhancing cooperation to combat racism, racial discrimination, xenophobia and related intolerance;

188. Urges States to support the activities of regional bodies or centres which combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist. These bodies or centres may undertake the following activities, amongst others: assess and follow up the situation of racism, racial discrimination, xenophobia and related intolerance, and of individuals or groups of individuals who are victims thereof or subject thereto; identify trends, issues and problems; collect, disseminate and exchange information, inter alia relevant to

the outcome of the regional conferences and the World Conference, and build networks to these ends; highlight examples of good practices; organize awareness-raising campaigns; develop proposals, solutions and preventive measures, where possible and appropriate, through joint efforts by coordinating with the United Nations, regional organizations and States and national human rights institutions;

189. Urges international organizations, within their mandates, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

190. Encourages financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

(a) To assign particular priority and allocate sufficient funding, within their areas of competence and budgets, to improve the situation of victims of racism, racial discrimination, xenophobia and related intolerance in order to combat manifestations of racism, racial discrimination, xenophobia and related intolerance, and to include them in the development and implementation of projects concerning them;

(b) To integrate human rights principles and standards into their policies and programmes;

(c) To consider including in their regular reporting to their boards of governors information on their contribution to promoting the participation of victims of racism, racial discrimination, xenophobia and related intolerance within their programmes and activities, and information on the efforts taken to facilitate such participation and to ensure that these policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

(d) To examine how their policies and practices affect victims of racism, racial discrimination, xenophobia and related intolerance, and to ensure that these policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

191. (a) Calls upon States to elaborate action plans in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on the measures undertaken in order to implement provisions of the present Declaration and the Programme of Action;

(b) Requests the United Nations High Commissioner for Human Rights, in follow-up to the Conference, to cooperate with five independent eminent experts, one from each region, appointed by the Secretary-General from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action. An annual progress report on the implementation of these provisions will be presented by the High Commissioner to the Commission on Human Rights and to the General Assembly, taking into

account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission on Human Rights of the United Nations, international, regional and non-governmental organizations and national human rights institutions;

(c) Welcomes the intention of the United Nations High Commissioner for Human Rights to establish, within the Office of the High Commissioner for Human Rights, an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination, and invites her to consider the inclusion in its mandate of, inter alia, the compilation of information on racial discrimination and its development, and on legal and administrative support and advice to victims of racial discrimination and the collection of background materials provided by States, international, regional and non-governmental organizations and national human rights institutions under the follow-up mechanism of the Conference;

(d) Recommends that the Office of the High Commissioner for Human Rights, in cooperation with States, international, regional and non-governmental organizations and national human rights institutions, create a database containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance, particularly international and regional instruments and national legislation, including anti-discrimination legislation, as well as legal means to combat racial discrimination; remedies available through international mechanisms to victims of racial discrimination, as well as national remedies; educational and preventive programmes implemented in various countries and regions; best practices to address racism, racial discrimination, xenophobia and related intolerance; opportunities for technical cooperation; and academic studies and specialized documents; and ensure that such a database is as accessible as possible to those in authority and the public at large, through its Web site and by other appropriate means;

192. Invites the United Nations and the United Nations Educational, Scientific and Cultural Organization to continue to organize high-level and other meetings on the Dialogue among Civilizations and, for this purpose, to mobilize funds and promote partnerships;

Office of the High Commissioner for Human Rights

193. Encourages the United Nations High Commissioner for Human Rights to continue and expand the appointment and designation of goodwill ambassadors in all countries of the world in order, inter alia, to promote respect for human rights and a culture of tolerance and to increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;

194. Calls upon the Office of the High Commissioner for Human Rights to continue its efforts further to increase awareness of the work of the Committee on the Elimination of Racial Discrimination and the other United Nations human rights treaty bodies;

195. Invites the Office of the High Commissioner for Human Rights, in consultation with the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations active in the field of the promotion and protection of human

rights, to undertake regular consultations with them and to encourage research activities aimed at collecting, maintaining and adapting the technical, scientific, educational and information materials produced by all cultures around the world to fight racism;

196. Requests the Office of the High Commissioner for Human Rights to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, in particular migrants, including migrant workers, to promote international cooperation in combating xenophobia and, to this end, to develop programmes which can be implemented in countries on the basis of appropriate cooperation agreements;

197. Invites States to assist the Office of the High Commissioner for Human Rights in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance;

198. (a) Invites the Commission on Human Rights to include in the mandates of the special rapporteurs and working groups of the Commission, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, recommendations that they consider the relevant provisions of the Declaration and the Programme of Action while exercising their mandates, in particular reporting to the General Assembly and the Commission on Human Rights, and also to consider any other appropriate means to follow up on the outcome on the Conference;

(b) Calls upon States to cooperate with the relevant special procedures of the Commission on Human Rights and other mechanisms of the United Nations in matters pertaining to racism, racial discrimination, xenophobia and related intolerance, in particular with the special rapporteurs, independent experts and special representatives;

199. Recommends that the Commission on Human Rights prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

Decades

200. Urges States and the international community to support the activities of the Third Decade to Combat Racism and Racial Discrimination;

201. Recommends that the General Assembly consider declaring a United Nations year or decade against trafficking in persons, especially in women, youth and children, in order to protect their dignity and human rights;

202. Urges States, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the implementation of the Declaration and Programme of Action on a Culture of Peace and the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, which started in 2001, and invites the United Nations Educational, Scientific and Cultural Organization to contribute to these activities;

Indigenous peoples

203. Recommends that the United Nations Secretary-General conduct an evaluation of the results of the International Decade of the World's Indigenous People (1995-2004) and make recommendations concerning how to mark the end of the Decade, including an appropriate follow-up;

204. Requests States to ensure adequate funding for the establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues within the United Nations system;

205. Urges States to cooperate with the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and requests the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the necessary human, technical and financial resources to fulfil his responsibilities;

206. Calls upon States to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of indigenous peoples, under discussion by the working group of the Commission on Human Rights to elaborate a draft declaration, in accordance with Commission resolution 1995/32 of 3 March 1995;

207. Urges States, in the light of the relationship between racism, racial discrimination, xenophobia and related intolerance and poverty, marginality and social exclusion of peoples and individuals at both the national and international levels, to enhance their policies and measures to reduce income and wealth inequalities and to take appropriate steps, individually and through international cooperation, to promote and protect economic, social and cultural rights on a non-discriminatory basis;

208. Urges States and international financial and development institutions to mitigate any negative effects of globalization by examining, inter alia, how their policies and practices affect national populations in general and indigenous peoples in particular; by ensuring that their policies and practices contribute to the eradication of racism through the participation of national populations and, in particular, indigenous peoples in development projects; by further democratizing international financial institutions; and by consulting with indigenous peoples on any matter that may affect their physical, spiritual or cultural integrity;

209. Invites financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

(a) To assign particular priority to and allocate sufficient funding, within their areas of competence, to the improvement of the status of indigenous peoples, with special attention to the needs of these populations in developing countries, including the preparation of specific programmes with a view to achieving the objectives of the International Decade of the World's Indigenous People;

(b) To carry out special projects, through appropriate channels and in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas;

Civil society

210. Calls upon States to strengthen cooperation, develop partnerships and consult regularly with non-governmental organizations and all other sectors of the civil society to harness their experience and expertise, thereby contributing to the development of legislation, policies and other governmental initiatives, as well as involving them more closely in the elaboration and implementation of policies and programmes designed to combat racism, racial discrimination, xenophobia and related intolerance;

211. Urges leaders of religious communities to continue to confront racism, racial discrimination, xenophobia and related intolerance through, inter alia, promotion and sponsoring of dialogue and partnerships to bring about reconciliation, healing and harmony within and among societies, invites religious communities to participate in promoting economic and social revitalization and encourages religious leaders to foster greater cooperation and contact between diverse racial groups;

212. Urges States to establish and strengthen effective partnerships with and provide support, as appropriate, to all relevant actors of civil society, including non-governmental organizations working to promote gender equality and the advancement of women, particularly women subject to multiple discrimination, and to promote an integrated and holistic approach to the elimination of all forms of discrimination against women and girls;

Non-governmental organizations

213. Urges States to provide an open and conducive environment to enable non-governmental organizations to function freely and openly within their societies and thereby make an effective contribution to the elimination of racism, racial discrimination, xenophobia and related intolerance throughout the world, and to promote a wider role for grass-roots organizations;

214. Calls upon States to explore means to expand the role of non-governmental organizations in society through, in particular, deepening the ties of solidarity amongst citizens and promoting greater trust across racial and social class divides by promoting wider citizen involvement and more voluntary cooperation;

The private sector

215. Urges States to take measures, including, where appropriate, legislative measures, to ensure that transnational corporations and other foreign enterprises operating within their national territories conform to precepts and practices of non-racism and non-discrimination, and further encourages the business sector, including transnational corporations and foreign enterprises, to collaborate with trade unions and other relevant sectors of civil society to develop

voluntary codes of conduct for all businesses, designed to prevent, address and eradicate racism, racial discrimination, xenophobia and related intolerance;

Youth

216. Urges States to encourage the full and active participation of, as well as involve more closely, youth in the elaboration, planning and implementation of activities to fight racism, racial discrimination, xenophobia and related intolerance, and calls upon States, in partnership with non-governmental organizations and other sectors of society, to facilitate both national and international youth dialogue on racism, racial discrimination, xenophobia and related intolerance, through the World Youth Forum of the United Nations system and through the use of new technologies, exchanges and other means;

217. Urges States to encourage and facilitate the establishment and maintenance of youth mechanisms, set up by youth organizations and young women and men themselves, in the spirit of combating racism, racial discrimination, xenophobia and related intolerance, through such activities as: disseminating and exchanging information and building networks to these ends; organizing awareness-raising campaigns and participating in multicultural education programmes; developing proposals and solutions, where possible and appropriate; cooperating and consulting regularly with non-governmental organizations and other actors in civil society in developing initiatives and programmes that promote intercultural exchange and dialogue;

218. Urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

219. Recognizes that the success of this Programme of Action will require political will and adequate funding at the national, regional and international levels, and international cooperation.

Notes

¹ For the purpose of this Declaration and Programme of Action, it was understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

² Reference should be made to chapter VII of the report of the Conference, which lists all the reservations to and statements on the Declaration and the Programme of Action.

Atti preparatori della Conferenza di Durban



Human Rights Council

Resolution 3/2. Preparations for the Durban Review Conference

The Human Rights Council,

Underlining General Assembly resolution 52/111 of 12 December 1997 in which the Assembly decided to convene the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held at Durban from 31 August to 8 September 2001,

Recalling General Assembly resolution 57/195 of 18 December 2002, in which the Assembly outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the erstwhile Commission on Human Rights whose mandate and responsibilities now devolve in the Human Rights Council,

Recalling General Assembly resolution 58/160 of 22 December 2003 in which the Assembly decided to close the Third United Nations Decade to combat racism and racial discrimination, and placed emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Underlining that 2006 marks 60 years of the United Nations action against racism, including three United Nations decades against racism whose programmes of action have largely not been achieved, as well as five years since the Durban Conference of 2001,

Saluting the laudable efforts of the Caribbean Community to keep the Durban spirit alive and foremost in the conscience of the international community and, in this regard, welcoming the historic unanimous decision of the General Assembly on 28 November 2006 by which the Assembly declared 26 March 2007 as a day for the worldwide commemoration of the two hundredth anniversary of the abolition of the trans-Atlantic slave trade,

Recalling the resolution of the Third Committee of the General Assembly (A/C.3/61/L.53/Rev.1), as orally amended, adopted on 22 November 2006 by which the Third Committee recommended that the Assembly convene the Durban Review Conference in 2009,

Recalling also that by the same resolution the Human Rights Council is requested to undertake preparations for this event and to formulate by 2007 a concrete plan for the 2009 Durban Review Conference,

Recalling further that by the same resolution the Council is requested to regularly provide the General Assembly with updates and progress reports towards this event starting in 2007,

1. *Decides* that the Human Rights Council will act as the Preparatory Committee for the Durban Review Conference which shall be open to the participation of all Member States of the United Nations and members of the specialized agencies and also to the participation of observers in accordance with the established practice of the General Assembly;

2. *Decides also* that the Preparatory Committee shall hold an organizational session of one week in May 2007, at the level of personal representatives of the Heads of State or Government or other appropriate high-level representatives designated for this purpose by Governments and two substantive sessions of 10 working days each during 2007 and 2008 in Geneva;

3. *Decides further* that the Preparatory Committee, at its organizational sessions, shall elect, on the basis of equitable geographical representation, a bureau for the Preparatory Committee and that, at the same session, the Preparatory Committee shall decide on all the relevant modalities for the Conference in accordance with established practice of the General Assembly, including deciding on the objectives of the Review Conference, the level at which the Review Conference shall be convened, regional preparatory initiatives, date and venue;

4. *Requests* Governments, the specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations, governmental and non-governmental organizations, the Committee on the Elimination of Racial

Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Five Independent Eminent Experts to follow up on the Implementation of the Durban Declaration and Programme of Action, the Five Experts on Complementary Standards, 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 and other relevant human rights mechanisms to assist the Preparatory Committee by undertaking review and submitting recommendations, through the Office of the High Commissioner for Human Rights, as contributions to the outcome of the Review Conference;

5. *Reaffirms* that the Durban Review Conference will be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there will be no renegotiation of the existing agreements contained therein;

6. *Decides* that the review will concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism;

7. *Decides also* to retain this priority issue on its programme of work and to report on progress regularly to the General Assembly.

13th meeting

8 December 2006

[Adopted by a recorded vote of 34 to 12, with 1 abstention.]

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Ukraine.]



General Assembly

Distr.: General
7 February 2007

Sixty-first session
Agenda item 65 (b)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/61/441)]

61/149. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 60/144 of 16 December 2005, in which it reiterated its firm commitment to continue its global efforts towards the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance, and towards the effective and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,¹

Recalling also its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action,

Recalling further its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further action and initiatives towards the total elimination of the scourge of racism,

Recalling its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

¹ See A/CONF.189/12 and Corr.1, chap. I.

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

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

Taking note of Human Rights Council resolution 1/5 of 30 June 2006,²

Taking note also of Commission on Human Rights resolutions 2002/68 of 25 April 2002,³ 2003/30 of 23 April 2003,⁴ 2004/88 of 22 April 2004⁵ and 2005/64 of 20 April 2005,⁶ by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

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

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

² See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

³ See *Official Records of the Economic and Social Council, 2002, Supplement No. 3 (E/2002/23)*, chap. II, sect. A.

⁴ *Ibid.*, 2003, *Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

⁵ *Ibid.*, 2004, *Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

⁶ *Ibid.*, 2005, *Supplement No. 3 and corrigendum (E/2005/23 and Corr.1)*, chap. II, sect. A.

Taking note of the report of the Secretary-General,⁷ the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance⁸ and Human Rights Council decision 1/102 of 30 June 2006,⁹

I

Basic general principles

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

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

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

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

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

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

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

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

⁷ A/61/337.

⁸ See A/61/335.

⁹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. B.

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

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,¹ in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

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

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

II

International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination¹⁰ are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,¹ to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64⁶ to the effect that, with one hundred and seventy-three ratifications and only forty-nine declarations, the deadline for universal ratification decided by the World Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States

¹⁰ United Nations, *Treaty Series*, vol. 660, No. 9464.

parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

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

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights¹¹ and article 5 of the Convention;

19. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination;

20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;¹²

III

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

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

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

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

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

¹¹ Resolution 217 A (III).

¹² See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18 (A/57/18)*, chap. XI, sect. E.

26. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

27. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

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

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

30. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

31. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

32. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

33. *Decides* to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action to be conducted within the framework of the General Assembly, and, to this end, requests the Human Rights Council to undertake preparations for this event, making use of the three existing and ongoing follow-up mechanisms, and to formulate a concrete plan and provide updates and reports on this issue on an annual basis starting in 2007;

34. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

35. *Expresses its appreciation* for the continuing work in follow-up to the World Conference undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the

group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent;

36. *Welcomes* the conclusions and recommendations agreed upon by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its fourth session,¹³ and welcomes in particular the identification and/or consideration of substantive and procedural gaps, as well as the request for the nomination of five highly qualified experts to further study the content and scope of those gaps, including but not limited to the areas identified in the conclusions of the Chair of the high-level seminar, and, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mandate-holders, to produce a base document that contains concrete recommendations on the means or avenues to bridge those gaps, including but not limited to the drafting of a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments, and for the Committee on the Elimination of Racial Discrimination to conduct further study on possible measures to strengthen the implementation of the Convention and its proposals regarding the assessment and evaluation of the implementation of existing international human rights instruments by States parties, and to this end encourages the Intergovernmental Working Group to continue its work related to the preparation of complementary international standards in accordance with the Durban Declaration and Programme of Action;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment 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 and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

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

40. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football,

¹³ E/CN.4/2006/18, sect. VI.

requests the Secretary-General 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, and, in this regard, appreciates the joint efforts of the Government of Germany, the Secretary-General and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during the 2006 World Cup;

IV

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

41. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

42. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

43. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

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

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

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

47. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,⁸ and urges Member States and other relevant stakeholders to consider implementing those recommendations;

48. *Requests* the Special Rapporteur to continue giving particular attention to 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 or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

49. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V

General

50. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session;

51. *Decides* to remain seized of this important matter at its sixty-second session under the item entitled "Elimination of racism and racial discrimination".

*81st plenary meeting
19 December 2006*



Human Rights Council

Resolution 6/23. Preparations for the Durban Review Conference

The Human Rights Council,

Welcoming General Assembly resolution 61/149 of 19 December 2006, by which the Assembly convened the Durban Review Conference in 2009,

Recalling its resolution 3/2 of 8 December 2006 by which the Council contextualized, clarified and elaborated on several preparatory processes for the Durban Review Conference, in accordance with the established practice of the General Assembly,

Welcoming the convening of the first session (organizational session) of the Preparatory Committee for the Durban Review Conference held in Geneva from 27 to 31 August 2007 and, in this regard, looking forward to the two substantive sessions of the Preparatory Committee tentatively scheduled to be held in Geneva from 21 April to 2 May 2008 and 6 to 17 October 2008, respectively,

Noting with deep regret, in the above context, the non-participation of all relevant non-governmental organizations, including the victims of racism, racial discrimination, xenophobia and related intolerance, and also regretting the fact that not all these entities were able to contribute to the Preparatory Committee's dialogue on the "Objectives of the Review Conference",

Noting that an effective preparatory process for the Durban Review Conference requires the full participation of all relevant non-governmental organizations, including the victims of racism, racial discrimination, xenophobia and related intolerance, in order for these entities to contribute to the Preparatory Committee's dialogue on the objectives of the Conference,

Noting all the decisions taken by the Preparatory Committee with regard to the facilitation of all the preparatory processes to the 2009 Durban Review Conference,

1. *Requests* the Chairperson of the Preparatory Committee for the Durban Review Conference to present her report to the General Assembly during its sixty-second session, covering the activities of the Preparatory Committee and progress made in preparation for the 2009 Durban Review Conference;
2. *Looks forward* to the General Assembly, in its capacity as the highest political entity of the United Nations system, providing political guidance and taking further decisions, as and when necessary, to ensure a smooth and successful Conference with a relevant substantive outcome complementary to the Durban Declaration and Programme of Action;
3. *Decides* to remain seized of this important item on its agenda.

22nd meeting
28 September 2007

[Adopted by a recorded vote of 33 to 10, with 3 abstentions]

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Japan, Republic of Korea, Ukraine.]



General Assembly

Distr.: General
22 February 2008

Sixty-second session
Agenda item 68 (b)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/62/437)]

62/143. Report of the Human Rights Council on the preparations for the Durban Review Conference

The General Assembly,

Recalling its resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006,¹

Recalling also Human Rights Council decision 6/105 of 28 September 2007,² in which the Council invited the Preparatory Committee for the Durban Review Conference to submit its reports to the General Assembly,

Bearing in mind that the modalities of the Review Conference have yet to be finalized,

1. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its first session,³ including the annexes and appendices thereto, in particular the decisions adopted by the Preparatory Committee at its organizational session;⁴

2. *Endorses* the decisions adopted by the Preparatory Committee at its organizational session.

*76th plenary meeting
18 December 2007*

¹ See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53 (A/62/53)*, chap. II, sect A.

² See A/HRC/6/L.11. For the final text, see *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*.

³ A/62/375.

⁴ *Ibid.*, annex I.



General Assembly

Distr.: General
26 February 2008

Sixty-second session
Agenda item 68 (b)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/62/437)]

62/220. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolution 61/149 of 19 December 2006, in which it decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action,¹ hereinafter referred to as the Durban Review Conference, to be conducted within the framework of the General Assembly,

Noting, in the above context, the decisions adopted by the Preparatory Committee for the Durban Review Conference at its organizational session,² including its decision PC.1/13 of 31 August 2007 on the objectives of the Durban Review Conference,

Noting also all the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

¹ See A/CONF.189/12 and Corr.1, chap. I.

² A/62/375, annex I.

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

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

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

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

Taking note of the report of the Secretary-General³ and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,⁴

I

General principles

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

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

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

³ A/62/480.

⁴ See A/62/306.

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

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

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

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

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

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

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,¹ in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

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

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

II

International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination⁵

⁵ United Nations, *Treaty Series*, vol. 660, No. 9464.

are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,¹ to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64 of 20 April 2005⁶ to the effect that, with one hundred and seventy-three ratifications and only forty-nine declarations, the deadline for universal ratification decided by the World Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses its concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee;

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

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights⁷ and article 5 of the Convention;

19. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination;

20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;⁸

⁶ See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

⁷ Resolution 217 A (III).

⁸ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18 (A/57/18)*, chap. XI, sect. E.

III

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

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

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

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

25. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;⁹

26. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

27. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

28. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

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

30. *Acknowledges and supports* the initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the

⁹ Resolution 61/295, annex.

transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

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

32. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

33. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

34. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

35. *Reaffirms* that the Human Rights Council shall continue to have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

36. *Expresses its appreciation* for the continuing work in follow-up to the World Conference undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment 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 and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

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

40. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, requests the Secretary-General 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, and in this regard appreciates the joint efforts of the Government of Germany, the Secretary-General and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during the 2006 World Cup;

IV

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

41. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation, bearing in mind the special procedures review process being undertaken by the Human Rights Council;

42. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

43. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

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

45. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-third session;

47. *Takes note* of the recommendations contained in the report of the Special Rapporteur,⁴ and urges Member States and other relevant stakeholders to consider implementing those recommendations;

48. *Requests* the Special Rapporteur to continue giving particular attention to 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 or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

49. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V

Convening of the Durban Review Conference

50. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its organizational session,¹⁰ and underlines that the Preparatory Committee shall, at its first substantive session, in accordance with its decision PC.1/14 of 31 August 2007,² discuss, inter alia, the organization of the work of the Conference and other matters, including the allocation of funding from the regular budget of the United Nations for the convening of the Conference in 2009;

51. *Calls upon* Member States that are in a position to do so to offer to host the regional preparatory conferences in their regions, consistent with the objectives of the Durban Review Conference, and to ensure the widest possible participation in those conferences, whose outcomes will contribute to the deliberations of the Preparatory Committee;

52. *Requests* the Secretary-General to allocate adequate funds from the regular budget of the United Nations for expenses not covered in Preparatory Committee decision PC.1/12 of 31 August 2007,² to facilitate the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences;

VI

General

53. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session;

54. *Decides* to remain seized of this important matter at its sixty-third session under an item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

*79th plenary meeting
22 December 2007*

¹⁰ A/62/375.

Decisions of the Organizational and Substantive Sessions of the Preparatory Committee of the Durban Review Conference

Decisions of the Organizational Session of the Preparatory Committee of the Durban Review Conference 27 - 31 August 2007

PC.1/1. Rules of procedure for the Preparatory Committee

At its 1st meeting, on 27 August 2007, the Preparatory Committee decided, without a vote, to use as rules of procedure for the Preparatory Committee the rules of procedure of the General Assembly, section XIII, insofar as applicable.

PC.1/2. Participation of, and consultation with, observers at the sessions of the Preparatory Committee

At its 1st meeting, on 27 August 2007, the Preparatory Committee decided, without a vote, to apply the following criteria and practices for participation by non-governmental organizations at the sessions of the Preparatory Committee:

(a) The mechanism established by the Economic and Social Council in its resolution 1996/31 of 26 July 1996, and practices observed by the Commission on Human Rights, shall be the framework for participation of, consultations with, and accreditation of non-governmental organizations, while ensuring their most effective contribution;

(b) Non-governmental organizations in consultative status with the Economic and Social Council are invited to participate fully in all the sessions of the Preparatory Committee, pursuant to Council resolution 1996/31;

(c) In the case of non-governmental organizations not in consultative status with the Economic and Social Council, but accredited to participate in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up mechanisms:

- (i) The Secretariat will send to Member States an updated list of non-governmental organizations not in consultative status, but accredited to participate in the World Conference and its follow-up mechanisms;
- (ii) Non-governmental organizations in this category shall be invited to participate fully at the sessions of the Preparatory Committee, unless there are observations made by Member States within 14 days from the date they receive the note verbale with the list of non-governmental organizations mentioned above. The standard process established in Council resolution 1996/31 will be applied;

(iii) In the event that a Government raises questions concerning the accreditation of a non-governmental organization, the final decision shall be taken by the Preparatory Committee, in accordance with the standard process established in Council resolution 1996/31;

(d) In the case of non-governmental organizations not in consultative status with the Economic and Social Council and not accredited to participate in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up mechanisms:

(i) Non-governmental organizations interested in the processes for the first time and wishing to participate in the sessions of the Preparatory Committee should submit applications to the Secretariat, in accordance with the criteria established in Council resolution 1996/31;

(ii) The Secretariat shall post on the website of the Office of the United Nations High Commissioner for Human Rights the procedures and relevant forms regarding the participation of non-governmental organizations;

(iii) The Secretariat shall continue to review all applications received to ensure that they meet the requirements established in Council resolution 1996/31;

(iv) Where non-governmental organizations have had their consultative status withdrawn or suspended under paragraph 57 (a) or (b) of Council resolution 1996/31, the Secretariat shall include information as to the reasons for withdrawal or suspension including the date of the decision, in the list circulated to all Member States;

(v) The Secretariat shall send to Member States, on a periodic basis, the updated list of applications received. Member States may submit comments on any of the applications in the list within 14 days from receipt of the above-mentioned list. The comments of Member States shall be communicated to the non-governmental organization concerned, which will be offered the opportunity to respond;

(vi) In cases where the Secretariat believes, on the ground of the information provided, in accordance with Council resolution 1996/31 that the non-governmental organization has established its competence and relevance of its activities with regards to the work of the Preparatory Committee, it shall recommend to the Preparatory Committee that the non-governmental organization be accredited. In cases where the Secretariat does not recommend the granting of accreditation, it shall make available to the Preparatory Committee its justifications for not doing so;

(vii) In the event that a Member State raises questions concerning the accreditation of a non-governmental organization, the final decision on such cases shall be taken by the Preparatory Committee in accordance with the standard process established in Council resolution 1996/31;

(e) Indigenous peoples' representatives that are accredited in accordance with Economic and Social Council resolution 1995/32 of 25 July 1995, and who express willingness to participate, shall be accredited to the sessions of the Preparatory Committee. Other interested indigenous peoples' representatives can also be accredited, following standard procedures established under Council resolution 1996/31;

(f) Participation of national human rights institutions in the sessions of the Preparatory Committee shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005, while ensuring the most effective contribution of these institutions;

(g) The sessions of the Preparatory Committee are also open to participation by other observers such as:

(i) Entities having received a standing invitation to participate as observers at the sessions and in the work of the General Assembly;

(ii) Intergovernmental organizations having received a standing invitation to participate as observers at the sessions and in the work of the General Assembly;

(iii) Specialized agencies;

(iv) Associate member of regional commissions;

(v) United Nations organs, bodies, programmes and relevant mechanisms, including human rights bodies and mechanisms.

PC.1/3. Dates for the Durban Review Conference

At its 5th meeting, on 29 August 2007, the Preparatory Committee decided without a vote that the Durban Review Conference shall take place during the first half of 2009.

PC.1/4. Level of participation

At its 5th meeting, on 29 August 2007, the Preparatory Committee decided without a vote that participation in the Conference should be at the highest possible level.

PC.1/5. Secretary-General of the Durban Review Conference

At its 5th meeting, on 29 August 2007, the Preparatory Committee decided without a vote to request the Secretary-General of the United Nations to designate the United Nations High Commissioner for Human Rights as Secretary-General of the Durban Review Conference, who, in this capacity, will assume the responsibility for the preparations for the Conference.

**PC.1/6. Venue of the Preparatory Committee sessions
and Durban Review Conference**

At its 5th meeting, on 29 August 2007, the Preparatory Committee decided without a vote that:

- (a) The venue of the Preparatory Committee sessions will be Geneva;
- (b) The venue of the Durban Review Conference will be decided by the Preparatory Committee at a later date.

PC.1/7. Dates of the substantive sessions of the Preparatory Committee

At its 8th meeting, on 30 August 2007, the Preparatory Committee decided without a vote that its first substantive session shall be held in Geneva from 21 April to 2 May 2008 and that its second substantive session shall be held from 6 to 17 October 2008.*

PC.1/8. Report of the Preparatory Committee

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote to recommend that the Human Rights Council adopt the following decision:

“Recalling its resolution 3/2 of 8 December 2006, the Human Rights Council invites the Preparatory Committee to submit its reports to the General Assembly.”

PC.1/9. Rules of procedure for the Durban Review Conference

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote to recommend for the Durban Review Conference the provisional rules of procedure.

PC.1/10. Reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote, on the basis of the Durban Declaration and Programme of Action, General Assembly resolution 61/149 of 19 December 2006, and Human Rights Council resolution 3/2 of 8 December 2006, and in line with the objectives of the Durban Review Conference:

- (a) To request Governments, the specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations, governmental organizations, national human rights institutions and non-governmental organizations, the

* Pending confirmation from the Office of the United Nations High Commissioner for Human Rights; session should not overlap meetings of the Third Committee of the General Assembly.

Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Five Independent Eminent Experts to follow up on the Implementation of the Durban Declaration and Programme of Action, the Five Experts on Complementary International Standards, 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 and other relevant human rights mechanisms including other special procedures to assist the Preparatory Committee by undertaking review and submitting recommendations, through the Office of the High Commissioner for Human Rights, as contributions to the outcome of the Review Conference;

(b) To request the Office of the United Nations High Commissioner for Human Rights, in order to facilitate the review process, under the supervision of the Bureau to draft a questionnaire that will be sent immediately after the end of the organizational session of the Preparatory Committee to all stakeholders listed above. Responses to the questionnaire will be sent to the first substantive session of the Preparatory Committee;

(c) To establish at its first substantive session an open-ended intergovernmental working group to follow up the work of the Preparatory Committee, review additional written contributions and to report thereon to the Preparatory Committee;

(d) To request the Office of the High Commissioner to ensure the expeditious submission of the written contributions to the open-ended intergovernmental working group.

PC.1/11. Preparatory meetings and activities at the international, regional and national levels

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote to call upon States and regional organizations to hold international, regional and national meetings and/or to undertake other initiatives in preparation for the Durban Review Conference in line with the objectives of the Review Conference, and to request that reports from such activities, on the outcome of the respective deliberations, be submitted to the Preparatory Committee through the Office of the United Nations High Commissioner for Human Rights.

PC.1/12. Sources of funding and financial and technical assistance

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote on the following provisions regarding sources of funding and financial and technical assistance:

(a) To request the United Nations Secretary-General to provide the necessary resources for the preparations for the Durban Review Conference and to consider providing, as appropriate, the necessary financial and technical assistance for the convening of the regional preparatory meetings, according to established practices;

(b) To request the High Commissioner for Human Rights to revitalize the voluntary fund for the Durban Review Conference. This voluntary fund would cover

expenses, other than those covered by the regular budget, related to the preparatory process for the Durban Review Conference, including for the needs of the intersessional working group, the participation of the representatives of national human rights institutions and non-governmental organizations, especially those from developing countries, as well as human rights treaty bodies and thematic special procedures;

(c) To appeal to all Governments, international organizations, intergovernmental and non-governmental organizations, the private sector and individuals, to contribute generously to the voluntary fund, and, to this end, requests the Secretary-General and the United Nations High Commissioner for Human Rights to undertake initiatives to encourage contributions;

(d) To encourage the United Nations High Commissioner for Human Rights to assist States and regional organizations, which convene international, regional and national meetings and/or undertake other relevant initiatives, including at expert level, in the framework of the preparatory process for the Durban Review Conference; and also urges the United Nations bodies and specialized agencies and particularly the United Nations regional economic commissions, in coordination with the United Nations High Commissioner, to provide assistance for the organization of the above-mentioned preparatory activities and stresses that such assistance should be supplemented by voluntary contributions;

(e) To recommend to the General Assembly to appeal for contributions from extrabudgetary resources to cover the cost of participation of representatives of least developed countries in the preparatory processes, including the first and second substantive sessions of the Preparatory Committee, the relevant regional preparatory meetings and in the Durban Review Conference.

PC.1/13. Objectives of the Durban Review Conference

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote that, on the basis of the Durban Declaration and Programme of Action, General Assembly resolution 61/149 of 19 December 2006, and Human Rights Council resolution 3/2 of 8 December 2006, the objectives of the Durban Review Conference will read as follows:

1. To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;
2. To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
3. To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and

proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;

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

PC.1/14. Adoption of the draft provisional agenda for the first substantive session of the Preparatory Committee

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided without a vote to adopt an agenda for its first substantive session, which is set out below:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of work.
4. Submission of the provisional agenda of the Durban Review Conference.
5. Reports of preparatory meetings and activities at the international, regional and national levels.
6. Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms.
7. Draft outcome document of the Durban Review Conference.
8. Organization of the work of the Durban Review Conference and other matters.
9. Adoption of the report of the Preparatory Committee.

PC.1/15. Organization of the work for the substantive sessions of the Preparatory Committee and the formulation of a concrete plan for the preparatory process

At its 9th meeting, on 31 August 2007, the Preparatory Committee decided, without a vote, to base its work over the next two years on a flexible timetable that takes into account the possibility of conflicting work agendas and other time constraints of the Committee members which would best facilitate the work of the Preparatory Committee.

**Decisions of the First Substantive Session of the Preparatory Committee
of the Durban Review Conference
21 April – 2 May and 26 May 2008**

**PC.2/1. Accreditation of the non-governmental organisation: Peoples Forum for
Human Rights and Development**

At its first meeting, on 21 April 2008, the Preparatory Committee decided, without a vote, that in line with Preparatory Committee decision PC.1/2 of 27 August 2007 entitled “Participation of, and consultation with, observers at the sessions of the Preparatory Committee”, the secretariat has sent to all Member States an updated list of non-governmental organizations not in consultative status with the Economic and Social Council, but accredited to participate in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up mechanisms. The Government of Bhutan, in a note verbale of 7 September 2007, raised objections concerning the non-governmental organization Peoples Forum for Human Rights and Development. Given that this organization did not respond to requests made by the secretariat for further information following the concerns raised by the Government of Bhutan, and that there are not sufficient grounds to establish its competence and the relevance of its activities with regard to the work of the Preparatory Committee, the Preparatory Committee decides not to accredit the non-governmental organization Peoples Forum for Human Rights and Development.

PC.2/2. Accreditation of thirty-three non-governmental organisations

At its first meeting, on 21 April 2008, the Preparatory Committee decided, without a vote, that according to Preparatory Committee decision PC.1/2, para. (c) (ii), non-governmental organizations not in consultative status with the Economic and Social Council but accredited to participate in the 2001 Durban World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance shall be invited to participate fully at the sessions of the Preparatory Committee, unless there are observations made by Member States within 14 days from the date they receive the note verbale with the list of these non-governmental organizations. The standard process established in Council resolution 1996/31 will be applied. Observations were made by the government of India seeking information, as stipulated in Economic and Social Council resolution 1996/31 of 26 July 1996, with regard to the thirty three organizations below. The said organizations, having failed to provide required information demonstrating their compliance with Economic and Social Council Resolution 1996/31, the Preparatory Committee decides not to invite the organizations concerned to participate in the first substantive session of the Preparatory Committee for the Durban Review Conference.

List of thirty-three NGOs

1. Catholic Bishops Conference of India/Commission for Scheduled Caste
2. Commonwealth Human Rights Initiative
3. Dalit Resource Centre
4. Dalit Solidarity Peoples

5. Indian Confederation of Indigenous and Tribal Peoples
6. National Federation of Dalit Women
7. New Entity for Social Action
8. Peoples Watch – Tamil Nadu
9. Tamil Nadu Women’s Forum
10. All India Women’s Conference
11. Breakthrough Trust
12. Centre for Organisation Research and Education
13. Centre for Promotion of Social Concerns
14. Krushi Samstha
15. People’s Action for Rural Awakening (PARA)
16. People’s Education for Action and Liberation (PEAL)
17. People’s Movement for Self-Reliance (PMSR)
18. Prajwala Sangham
19. Prayas Gramin Vikas Samity
20. Rural Education for Development Society
21. Rural Health Education, Agriculture and Development Society
22. Sahanivasa
23. Andhra Pradesh Vyavasa Vruthidarula Union
24. Dalit Women Movement
25. Dalit Liberation Education Trust
26. National Alliance of Women (NAW)
27. Society for Integrated Development in Urban & Rural Areas (SIDUR)
28. Society of the Immaculate Heart of Mary (ICM Sisters) - Trichy
29. Sulabh International Social Service Organisation
30. Ambedkar Education Society
31. PRERANA
32. Sarvangin Vikas Sanstha
33. Tibetan Centre for Human Rights and Democracy

PC.2/3. Panel discussion on the objectives of the Durban Review Conference

At its third meeting, on 22 April 2008, the Preparatory Committee decided to hold a panel discussion on the objectives of the Durban Review Conference under agenda item 6, “Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms.” The panel will be composed of the members of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the independent eminent experts on the implementation of the Durban Declaration and Programme of Action, the Chairperson 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 and the Chairperson of the Ad Hoc Committee on the elaboration of complementary international standards. The presentations by the experts will be followed by an interactive dialogue.

PC.2/4. Establishment and dates of the intersessional open-ended intergovernmental working group

At its third meeting, on 22 April 2008, the Preparatory Committee, recalling its decisions PC.1/10 (c) and PC.1/15 of 31 August 2007, decided to establish an intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee. The Preparatory Committee further decided that the open-ended intergovernmental working group will hold two sessions, of one week each. The first session will take place from 26 to 30 May 2008 and the second session from 30 June to 4 July 2008, or at any other date agreed by the working group.

PC.2/5. Provisional accreditation of NGOs

A.

At its eleventh meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to provisionally accredit the below mentioned new NGO to the Durban Review Conference and its preparatory process pending the reception of further information that demonstrates that they fully satisfy the criteria for accreditation contained in ECOSOC Resolution 1996/31 and in accordance with Preparatory Committee decision PC1/2:

1. Swadhikar

B.

The Preparatory Committee also decided to provisionally invite to the Durban Review Conference and its preparatory process the below mentioned NGOs that are not in consultative status with the Economic and Social Council but participated in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, pending the reception of further information that demonstrates that they fully satisfy the criteria for accreditation contained in ECOSOC Resolution 1996/31 and in accordance with Preparatory Committee decision PC1/2:

1. Centre for Community Economics and Development Consultants Society
2. Rural Development Centre
3. National Campaign on Dalit Human Rights
4. Buddha Smriti Sanathan

PC.2/6. Accreditation of Durban 2001 NGOs

At its eleventh meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to reaffirm the accreditation of those NGOs that are not in consultative status with the Economic and Social Council but participated in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 and whose accreditation to the Durban Review Conference and its preparatory process was not questioned by any Member State.

PC.2/7. Accreditation of new NGOs

At its eleventh meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to accredit the following new NGOs to the Durban Review Conference and its preparatory process:

1. Palestinian Grassroots Anti-Apartheid Wall Campaign
2. Mouvement International pour les Reparations
3. Foundation Against Racism and Anti-Semitism
4. Community Security Trust

PC.2/8. Structure of the draft outcome document of the Durban Review Conference

At its eleventh meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, that the outcome, consisting of a declaratory part and an action-oriented part containing further actions and initiatives, will be based on contributions submitted in conformity with Decision PC1/10 and the outcomes of the preparatory meetings and activities at the international, regional and national levels, and shall be drawn up in accordance with the following structure:

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
 - Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance
 - Victims of racism, racial discrimination, xenophobia and related intolerance
 - Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels
 - Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels
 - 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
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.
3. Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.

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.

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

PC.2/9. Information strategy for the Durban Review Conference

At its thirteenth meeting, on 2 May 2008, the Preparatory Committee decided, without a vote, to request the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, to prepare and carry out, in close cooperation with the United Nations Department of Public Information, a worldwide information campaign with a view to mobilizing support for the objectives of the Durban Review Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors.

PC.2/10. Documentation for the preparatory process for the Durban Review Conference

At its thirteenth meeting, on 2 May 2008, the Preparatory Committee decided, without a vote, that all documents submitted as contributions to the preparatory process for the Durban Review Conference, and circulated in English only, should be translated into all official languages of the United Nations and made available in time for the relevant meetings of the Inter-sessional Open-ended Intergovernmental Working Group to follow up the work of the Preparatory Committee. The Preparatory Committee further decides that a dedicated extranet page should be developed where all the documents of the conference shall be posted and be easily accessible by all stakeholders.

PC.2/11. Provisional agenda of the Durban Review Conference

At its third meeting, on 22 April 2008, the Preparatory Committee decided, without a vote, to adopt the provisional agenda of the Durban Review Conference, as follows:

1. Opening of the Conference. 2. Election of the President. 3. High-level segment. 4. Adoption of the rules of procedure. 5. Election of other officers of the Conference. 6. Credentials of representatives to the Conference. 7. Adoption of the agenda. 8. Organization of work. 9. Issues arising from the objectives of the Conference:

(a) To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete

measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;

(b) To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;

(c) To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;

(d) To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

10. Adoption of the final document and the report of the Durban Review Conference.

PC.2/12. Participation of observers in the Durban Review Conference

At its twelfth meeting, on 30 April 2008, the Preparatory Committee, recalling its decision PC.1/2 of 27 August 2007 on the participation of, and consultation with, observers at the sessions of the Preparatory Committee, decided, without a vote, that the same criteria, practices and arrangements should also apply to the participation of all observers in the Durban Review Conference.

PC.2/13. Venue, timing and duration of the Durban Review Conference

At its fifteenth meeting, on 26 May 2008, the Preparatory Committee decided, without a vote, that the Durban Review Conference, which will include a high level segment, shall be convened in Geneva from 20 to 24 April 2009.

PC.2/14. Slogan of the Durban Review Conference

At its fifteenth meeting, on 26 May 2008, the Preparatory Committee decided, without a vote, that the slogan of the Durban Review Conference shall be: "United Against Racism: Dignity And Justice For All".

PC.2/15. Logo for the Durban Review Conference

At its fifteenth meeting, on 26 May 2008, the Preparatory Committee decided, without a vote that the logo for the Durban Review Conference shall be the same as that of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001. The Preparatory Committee also decided that the following additional elements shall be part of the logo: "Durban Review Conference" and "2001 – 2009", and delegated to the Bureau to agree on the technicalities of the logo in consultation with the Secretariat.

**Decisions of the Second Substantive Session of the Preparatory
Committee of the Durban Review Conference
6 – 17 October 2008**

PC.3/1. Organization of Work of the second substantive session

The Preparatory Committee,

Recalling its decision PC.1/13 on the objectives of the Durban Review Conference and recalling further its decision PC.2/8 on the structure of the draft outcome document of the Durban Review Conference,

Recognizing the work of its intersessional open-ended intergovernmental working group as mandated in its decisions PC.1/10 and PC.2/4, and noting that further written contribution will be made,

Taking note of the recommendation made by the intersessional open-ended intergovernmental working group (A/CONF.211/PC.3/2, annex V),

Acknowledging that the issues and the text contained in the working paper submitted by the Chairperson of the intersessional open-ended intergovernmental working group entitled “Certain indicative elements in relation to the outcome document” are not negotiated, and that attributions should be made,

1. *Decided* to commence immediately the process of negotiations on and drafting of the outcome document of the Durban Review Conference;
2. *Decided* that working document entitled “Certain indicative elements in relation to the outcome document” shall constitute a basis for discussion and negotiations at the present session of the Preparatory Committee, without prejudice to the possibility for other stakeholders to make further proposals;
3. *Decided* that the drafting of the declaratory part of the outcome document shall be undertaken after the first reading of the five sections of the action-oriented part of the draft outcome document by the Preparatory Committee is completed.

PC.3/2. Accreditation of two new NGOs

At its 1st meeting, on 6 October 2008, the Preparatory Committee decided to accredit the following new NGOs to the Durban Review Conference and its preparatory process:

1. Gherush92 Committee for Human Rights
2. Bexley Council for Racial Equality

PC.3/3. Accreditation of three Durban 2001 NGOs

At its 1st meeting, on 6 October 2008, the Preparatory Committee, recalling that in its decision PC.2/5 A adopted at its first substantive session it decided to provisionally invite to the Durban Review Conference and its preparatory process the below mentioned NGOs that are not in consultative status with the Economic and Social Council but participated in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, pending the reception of further information that demonstrates that they fully satisfy the criteria for accreditation contained in Economic and Social Council resolution 1996/31 and in accordance with Preparatory Committee decision PC1/2:

- Centre for Community Economics and Development Consultants Society
- Rural Development Centre
- National Campaign on Dalit Human Rights
- Buddha Smriti Sanathan

and noting that no further information was received from the NGOs Centre for Community Economics and Development Consultants Society, Rural Development Centre and Buddha Smriti Sanathan, the Preparatory Committee decided not to accredit these three NGOs to the Durban Review Conference.

PC.3/4. Invitation addressed to the United Nations High Commissioner for Human Rights

At its 1st meeting, on 7 October 2008, bearing in mind the objectives of the Durban Review Conference as well as the important role that the United Nations High Commissioner for Human Rights has been playing in the follow-up to the Durban Declaration and Programme of Action (DDPA), the Preparatory Committee decided to invite the High Commissioner to make a contribution to the Durban Review Conference through a report on the implementation of the DDPA and proposals to enhance its implementation and on the implementation of relevant decisions and resolutions of the General Assembly and the Human Rights Council.

PC.3/5. Accreditation of five new NGOs

At its 6th meeting, on 8 October 2008, the Preparatory Committee decided to accredit the following new NGOs to the Durban Review Conference and its preparatory process:

1. Humanrights.ch / MERS
2. People for Peace and Defence of Rights
3. Terre Nouvelle
4. Nepal National Dalit Social Welfare Organisation
5. Bilaal Justice Center

PC.3/6. Accreditation of the NGO International Dalit Solidarity Network

At its 6th meeting, on 8 October 2008, the Preparatory Committee, having considered the application of the International Dalit Solidarity Network (IDSN), an NGO, for

participation in the preparatory process to the Durban Review Conference, noting that the areas of activities of IDSN relate to caste-based discrimination and other forms of discrimination based on work and descent, and underlining that the participation of IDSN in the preparatory process of the Durban Review Conference would cover discrimination based on the ground of descent in line with the Durban Declaration and Programme of Action, decided, therefore, to grant accreditation to IDSN.

PC.3/7. Accreditation of the three NGOs National Campaign on Dalit Human Rights, Swadhikar, and People's Education for Action and Liberation

A

At its 9th meeting, on 10 October 2008, the Preparatory Committee, having received further information from the NGOs in question, decided to accredit the following NGOs that were provisionally accredited at its first substantive session pending the reception of further information:

1. Swadhikar
2. National Campaign on Dalit Human Rights

B

At the same meeting, the Preparatory Committee, having received further information from the NGO in question, decided to accredit the following NGO that was not invited to participate at its first substantive session as it had not provided further information:

1. Peoples Education for Action and Liberation.

PC.3/8. Accreditation of the NGO ABGLT

At its 17th meeting, on 16 October 2008, the Preparatory Committee, having considered the application of the Brazilian NGO ABGLT for participation in the Durban Review Conference to be held from 20 to 24 April in Geneva, stressing that the participation of the ABGLT in the Durban review Conference would be based on addressing discrimination in conformity with the contents of the Durban Declaration and Programme of Action (DDPA) and shall strictly raise issues mentioned in the DDPA and in accordance with operative paragraph 5 of Resolution 3/2 of the Human Rights Council, decided, therefore, to grant accreditation to the ABGLT.

PC.3/9. Continuation of the preparatory process for the Durban Review Conference

At its 19th meeting, on 17 October 2008, the Preparatory Committee, recalling General Assembly resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 19 December 2006 and bearing in mind the need to continue and conclude the process of negotiations on and drafting of the outcome document of the Durban Review Conference in advance of the Conference, decided:

- (a) To convene a third substantive session of the Preparatory Committee in Geneva for up to 3 working days, on 15 to 17 April 2009;

(b) To establish an intersessional open-ended intergovernmental working group with a mandate to continue and finalize the process of negotiations on and drafting of the outcome document of the Durban Review Conference on the basis of the compilation of proposals resulting from the work of the second substantive session of the Preparatory Committee and any further contributions, and to report thereon to the third substantive session of the Preparatory Committee. The Preparatory Committee further decided that the intersessional open-ended intergovernmental working group shall meet for a total of up to 10 working days in advance of the third substantive session of the Preparatory Committee, including a meeting on 27 November 2008, the first session to be held from 19 to 23 January 2009, and the second session on 6 to 9 April 2009 or at any other date agreed by the working group.

PC.3/10. Participation in the Durban Review Conference

At its 19th meeting, on 17 October 2008, the Preparatory Committee, recalling General Assembly resolutions 61/149 of 19 December 2006 and 62/220 of 22 December 2007 and Human Rights Council resolution 3/2 of 19 December 2006 as well as its own decision PC.1/12, decides to request the General Assembly to allocate adequate resources from the regular budget of the United Nations to facilitate the participation in the Review Conference of the relevant human rights treaty bodies and thematic special procedures and mechanisms of the Human Rights Council.



Conseil des droits de l'Homme des Nations Unies

9^{ème} session

(Genève, 8 - 26 septembre 2008)

**Intervention de
S.E. l'Ambassadeur Jean-Baptiste Mattéi
Représentant permanent de la France
au nom de l'Union européenne**

Point 9:

**" Racisme, discrimination raciale, xénophobie et intolérance associée –
Suivi de la Déclaration et du Programme d'Action de Durban "**

Débat général

Genève, le 19 septembre 2008

seul le texte prononcé fait foi
check against delivery

Conseil des droits de l'Homme – 9^{ème} session

**Point 9 : Racisme, discrimination raciale, xénophobie et intolérance associée –
Suivi de la Déclaration et du Programme d'Action de Durban**

**Débat général
Vendredi 19 septembre 2008**

Déclaration de l'UE

M. le Président,

J'ai l'honneur de prendre la parole au nom de l'Union européenne.

La Croatie* et l'ancienne République yougoslave de Macédoine*¹, pays candidats, le Monténégro, pays du processus de stabilisation et d'association et candidat potentiel, l'Islande, pays de l'AELE membre de l'Espace économique européen, ainsi que l'Ukraine et la République de Moldova, se rallient à la présente déclaration.

Le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée sont des problèmes auxquels sont confrontées toutes les sociétés du monde. Malheureusement, l'actualité nous a donné des exemples de l'existence de ce fléau sur tous les continents. Dès lors, la communauté internationale doit rester unie pour lutter contre ces phénomènes.

La lutte contre toutes les formes de racisme constitue une priorité de l'Union européenne. Depuis 2001, nous avons intensifié nos efforts, tant au niveau national que régional. Nous avons obtenu des résultats substantiels et pouvons nous féliciter de nombreuses avancées et bonnes pratiques mises en place. Nous nous réjouissons ainsi des points positifs obtenus grâce à la mise en œuvre de la Déclaration de Durban et de son programme d'action au sein de l'Union européenne. Cependant, nous sommes également conscients qu'il reste des défis et réaffirmons notre détermination pour les relever.

M. le Président,

Sept ans se sont écoulés depuis la Conférence de Durban, où nous avons réussi, après des négociations difficiles, à nous accorder sur une déclaration et un programme d'action pour que tous les pays intensifient leur lutte contre le racisme. Il est dans l'intention de l'Union européenne de faire tout ce qu'elle peut pour conserver le consensus obtenu à Durban et garantir une position équilibrée de la communauté internationale à l'issue de la Conférence d'examen de 2009.

De façon impérative, la Conférence d'examen doit se concentrer sur la mise en œuvre de la Déclaration et du programme d'action sans réouverture de ces textes. Elle constitue une occasion sans précédent de rationaliser les mécanismes de suivi de la mise en œuvre de la Déclaration et du Programme d'action de Durban pour améliorer la lutte contre le racisme. La Conférence pourra également constater la nécessité de mettre réellement en œuvre la Convention pour l'élimination de toutes les formes de discrimination raciale afin de combattre

¹ * La Croatie et l'ancienne République yougoslave de Macédoine continuent à participer au processus de stabilisation et d'association.

efficacement le racisme et toutes les formes de discrimination raciale. A cet égard, l'Union Européenne soutient les travaux du Comité CERD qui a démontré la pertinence et l'utilité de la Convention pour lutter contre les manifestations contemporaines de racisme.

Nous nous réjouissons du bon déroulement de la dernière session du Comité Préparatoire à la Conférence d'examen de Durban et saluons les efforts fournis par les différents groupes régionaux au Conseil pour parvenir à ce résultat. Nous souhaitons que cette approche constructive soit maintenue lors des discussions plus substantielles qui seront abordées lors du prochain « PrepCom ». Les consultations qui ont déjà été engagées sous la direction de S.E. M. Zohrab Mnatsakanian, Ambassadeur d'Arménie, sont de bon augure.

M. le Président,

La lutte contre le racisme doit rassembler la communauté internationale et non la diviser. L'Union européenne appelle tous les Etats à traiter la question du racisme sans politisation, sans polarisation, sans acharnement sur une région du monde en particulier et sans essayer d'établir une hiérarchie entre les victimes. Ce n'est qu'avec une union résolue de tous les pays que nous parviendrons à vaincre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée.

Je vous remercie.



General Assembly

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DURBAN REVIEW CONFERENCE
Preparatory Committee
Second substantive session
Agenda item 3

**REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE
INTERNATIONAL, REGIONAL AND NATIONAL LEVELS**

Contribution by the European Union to the Durban Review Conference

Note by the Secretariat

The present note transmits the written contribution* of the European Union to the draft outcome document of the Durban Review Conference, as received by the Secretariat from the Permanent Mission of France on 7 October 2008.

* Reproduced in the annex as received, in the language of submission only.

Annex

**CONTRIBUTION BY THE EUROPEAN UNION TO THE
DURBAN REVIEW CONFERENCE**

Noting that racism and xenophobia are incompatible with the principles upon which the EU is founded;

Stressing that EU institutions have repeatedly rejected and condemned all manifestations of racism and xenophobia;

Acknowledging that the EU determinedly pursues a clear policy of fighting these phenomena, both within the Union itself, and in the context of its external action;

Affirming that the Durban Declaration and Programme of Action constitutes a solid foundation for the fight against racism, racial discrimination, xenophobia and related intolerance and that the review Conference should focus on the implementation the Durban Declaration and Programme of Action and should not involve any reopening of these texts;

1. Review of progress and assessment of the 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

1. *Reaffirms* the need to reject and condemn all manifestations of racism, racial intolerance, xenophobia and related intolerance in all parts of the world and to combat those manifestations wherever they occur;

2. *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;

3. *Notes with appreciation* the efforts of States and organisations in preventing and combating trafficking in persons and in enhancing the protection of and assistance to victims of trafficking in persons, for instance the development of action plans on best practices, standards and procedures for combating and preventing trafficking in human beings;

4. *Urges* States to take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialised sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including to strengthen existing legislation or to consider the adoption/enactment of anti-trafficking legislation and the adoption of national plans of action with a view, among other things to providing better protection for victims of trafficking and to punishing perpetrators through criminal and civil measures;

5. *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;
6. *Condemns* the fact that slavery and slavery-like practices still exist today in some parts of the world;
7. *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;
8. *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;
9. *Urges* states to take immediate measures as a matter of priority to end such practices which constitute flagrant violation of human rights;
10. *Expresses concern* at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world;
11. *Recognizes* the need to strengthen efforts toward fighting against illegal migration and smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse;
12. *Stresses* that every State must ensure the protection of human rights of all individuals within its territory and subject to its jurisdiction, without discrimination of any kind, including in particular on the basis of national origin;
13. *Acknowledges* the importance of making progress in eradicating the manifestations of racist and xenophobic behaviour and in respecting human dignity at borders of countries, particularly during the performance of border check;
14. *Deplores* the persistence in some parts of the world 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 refugees and migrants;
15. *Expresses concerns* at the absence in some countries of legal protection for migrant domestic workers which entails the risk of human rights violations;
16. *Expresses deep concern* at the 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 labour practices and exploitative conditions of work;

17. *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;

18. *Urges* States to promote and respect human rights for all, including for migrants whether they are in a legal or illegal situation;

19. *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 give access to migrant workers in domestic service 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;

20. *Welcomes* the adoption of the United Nations Declaration on the rights of indigenous peoples;

21. *Recognizes* also that indigenous peoples have been victims of discrimination for centuries and affirms that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and stresses the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;

22. *Underlines* that the use of the term "indigenous peoples" should be understood in the context of the adoption of the United Nations Declaration on the rights of indigenous peoples;

23. *Affirms* that the identity to persons belonging to national or ethnic, religious and linguistic minority 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;

24. *Recognizes with deep concern* the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers, and, *conscious* of the very specific situation faced by them, *invites* States to use all means to improve their inclusion and to strengthen efforts to prevent and combat discrimination against them;

25. *Welcomes* the actions taken to commemorate the memory of victims of slavery and slave trade, in particular the transatlantic slave trade, and the abolition of those tragedies, and stresses the need to similarly address the trans Saharan slave trade and the slave trade in the Indian ocean;

(b) *Victims of racism, racial discrimination, xenophobia and related intolerance*

26. *Notes* the existence and efficiency of measures regarding victims of racism, racial discrimination, xenophobia and related intolerance;

27. *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;

28. *Condemns* all forms of racism, racial discrimination, xenophobia and related intolerance, including all forms intolerance based on religion or belief;
29. *Welcomes* measures to address the phenomenon of multiple and aggravated forms of discrimination;
30. *Welcomes* the introduction of specific offences to fight racially and religiously aggravated violence, harassment and criminal damage;
31. *Condemns* all forms of discrimination and all other human rights violations based on sexual orientation;
32. *Expresses deep concern* that all forms of discrimination and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of and women;
33. *Strongly condemns* all acts of violence, whether these acts are perpetrated by the State, private persons or non-State actors, in particular against women and girls;
34. *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 the Declaration on the Elimination of Violence against Women;
35. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities including religious minorities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;
36. *Expresses concern* over the persistence of institutionalised social intolerance and discrimination practised against many in the name of religion or belief;
37. *Expresses* its concern at the increase in anti-Semitic ideas and violence in many parts of the world and *urges* States to take appropriate action to end the dissemination of anti-Semitic ideas including through the media, school curricula or by political platforms;
38. *Recalls* the commitment made by EU member states and many others in 2000 at the Stockholm International Forum on the Holocaust to commemorate the victims and to honour those who stood against it, and welcomes the Council of Europe's dedication in 2002 of an annual "Day of Remembrance of the Holocaust and for the prevention of crimes against humanity";
39. *Affirms* that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice and *recalls* again that the Holocaust must never be forgotten;
40. *Recalls and urges* States to implement UN General Assembly Resolutions 60/7 and 61/255 which observed that remembrance of the Holocaust is critical to prevent further acts

of genocide, condemned without reservation any denial of the Holocaust and urged all member states to reject denial of the Holocaust as a historical event, either in full or in part, or any activities to this end;

41. *Welcomes* the important initiatives to combat anti-Semitism, hate crimes, racism, xenophobia and discrimination as well as intolerance and discrimination against Muslims by the Organisation for Security and Co-operation in Europe, including the 2004 Berlin, Paris and Brussels conferences, the 2007 Cordoba and Bucharest conferences and resultant declarations;

42. *Recognizes* that there have been increasing risks of stereotyping Muslims and other groups and *expresses* its commitment to combat this phenomenon;

43. *Expresses* concern with human rights violations against Christians and members of other religious minorities in various parts of the world;

44. *Emphasizes* the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(c) *Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels*

45. *Recognizes* that prevention is a key element of any political strategy to combat racism, racial discrimination and xenophobia;

46. *Welcomes* the efforts deployed to adopt or improve penal or civil legislation in order to fight against racism and discrimination including multiple forms of discrimination, such as on the grounds of sex, religion or belief, disability, age, sexual orientation and gender reassignment;

47. *Stresses* that, as human rights are universal, interdependent, interrelated, and mutually reinforcing, the coexistence of rights does not only imply that a particular right should be seen in a restrictive manner because of the existence of another right;

48. *Stresses* that the right to freedom of expression constitutes one of the essential foundations of a democratic society, as it ensures individual self-fulfilment and a pluralistic, tolerant society with access to multitudes of ideas and philosophies;

49. *Expresses* regret that fight against racial and religious hatred is increasingly being used as pretext legitimising impermissible limitations to freedom of expression;

50. *Condemns* any advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence;

51. *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 before it constitute an advocacy of racial or religious hatred prohibited by law;

52. *Recognizes* that sexual orientation and transgender status, and transsexualism, does not justify restricting or removing a person's basic human rights and fundamental freedoms;

53. *Acknowledges* again the importance of independent national human rights institutions and other relevant specialized institutions created by law for the promotion and protection of human rights, including ombudsman institutions, in the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law;

54. *Deplores* that countries in all parts of the world have not yet established independent human rights institutions and other relevant institutions;

55. *Welcomes* the development of national strategies to promote cohesion and tackle community tensions;

56. *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;

57. *Urges* States to improve efforts to promote gender mainstreaming and to fight effectively gender discriminations;

58. *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 specialised assistance to victims, including medical and psychological assistance, as well as effective counselling;

59. *Notes* many efforts developed to organise frequent consultation of the representative bodies of persons belonging to minorities;

60. *Notes with appreciation* the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues;

61. *Highlights* the existence of numerous institutions dealing with racism and discrimination such as ombudsmen, national networks of anti-discrimination services, committees or agencies on racism and discrimination;

62. *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 societies and encouragement of political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system;

63. *Welcomes also* preventive initiatives to tackle discrimination in employment such as programmes for training and counselling 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 more experiments with contract compliance and anonymous job applications;

64. *Believes* that human rights education is essential to the realisation of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected;

65. *Calls on* States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;

66. *Calls on* States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;

67. *Encourages* the development of 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;

68. *Encourages* States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance;

69. *Recognizes* that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences;

70. *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 led to casualties and killings, torture, massive displacement, rape and destruction of property and infrastructures, war crimes, crimes against humanity and genocide;

71. *Deplores* also the use of Government aligned or organised irregular militia to oppress, murder and displace ethnic populations;

72. *Emphasizes* that among 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, there are 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;

73. *Affirms* that impunity for crimes of genocide and war crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention;

74. *Expresses concern* over the lack of willingness of certain countries to cooperate with international criminal tribunals;

75. *Expresses* its full support to the work of the existing international criminal tribunals and for the universal ratification of the Rome Statute of the International Criminal Court;

76. *Recognizes* the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed;

77. *Stresses* the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;

78. *Underlines* the importance of combating impunity, including for crimes with a racist or xenophobic motivation, also at the international level;

79. *Urges* states to end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls, as well as to ensure that persons in authority who are responsible for such crimes, including by committing, ordering, soliciting, inducing, aiding in, abetting, assisting or in any other way contributing to their commission or attempted commission, are identified, investigated, prosecuted and punished;

80. *Urges* all States to cooperate fully with international criminal tribunals;

81. *Urges* all states that have not yet done so to consider concluding sentence enforcement, witness protection and information-sharing agreements with the international criminal tribunals and the International Court;

82. *Reaffirms* that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

83. *Notes* progress made by some States in the field of democracy, the rule of law, transparent, responsible, accountable and participatory governance but notes also many challenges to face in many parts of the world;

84. *Notes* progress in order to support the conduct of genuine, democratic elections by providing electoral support such as electoral assistance and election observation missions in line with best international practice;

85. *Urges* States to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society, for instance by accepting electoral support proposals;

86. *Underlines* the existence of multiple initiatives that promote communication as a tool to fight racism such as awareness-raising campaigns, seminars and publication and diffusion of reports;

87. *Encourages* Parliaments to consider address 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;

(d) Provision of effective remedies, recourse, redress and compensatory and other measures at all levels

88. *Welcomes* the development of new measures which improve the fight against racism and discrimination such as the situation testing in order to investigate the occurrence and extent of discrimination in different occasions;

89. *Welcomes* the adoption of legislation that addresses discrimination and victimisation in employment and training, the provision of goods, facilities and services, education, housing and public functions;

90. *Stresses* the importance of provision for individuals to bring proceedings and claim damages under national anti-discrimination legislation;

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;

92. *Recognizes* that to combat racism and other forms of discrimination, Governments and law enforcement agencies need reliable information on hate crimes;

93. *Affirms* the importance of effective and independent judiciary for allowing the victims of racism to seek adequate redress;

(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

94. *Recognizes* the valuable work done to promote dialogue, mutual understanding and respect through all existing mechanisms, such as UNESCO, Council of Europe, OSCE and the Alliance of Civilizations;

95. *Notes with appreciation* the increasing number of initiatives in order to promote intercultural dialogue, such as conferences including the 3rd ASEM Culture Ministerial Meeting held in Kuala Lumpur (22 and 23 April 2008) focused on the theme of “Cultural Diversity - Realizing the Action Plan”; actions and cooperation programmes that have been approved and successfully implemented in the framework of the Barcelona process, including the Anna Lindh Foundation, EuroMed Audiovisual, EuroMed Heritage, the Regional Information and Communication programmes, the EuroMed Youth programme and the EuroMed Gender programme, etc.;

96. *Welcomes* the decisions to nominate 2008 the “Euro-Mediterranean year of dialogue between cultures” and the “European Year of Intercultural Dialogue”;

97. *Affirms* that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

98. *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;

99. *Underlines* that intercultural dialogue should address political processes and challenges, be based on dialogue with civil society, promote people-to-people contacts and foster good neighbourly relations;

100. *Recognizes* the valuable role played by regional organisations and institutions in the fight against racism, racial discrimination, xenophobia and related intolerance, inter alia the OSCE, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe and the European Fundamental Rights Agency;

101. *Notes* financial initiatives in support of the fight against racism, racial discrimination, xenophobia and related intolerance, such as the European Instrument for Democracy and Human Rights (EIDHR) which supports the UN High Commissioner for Human Rights in the implementation of existing international standards on equality and non-discrimination by financing project activities which include awareness-raising campaigns and seminars, provision of advice through technical co-operation projects with governments, and research and analysis; and the "anti-discrimination and diversity" strand of the European Community programme PROGRESS, which aims at improving the understanding of the discrimination phenomenon, supporting the implementation of EU law in this field, raising awareness and developing the capacity of EU networks active in this field (NGOs, Network of Equality bodies);

102. *Invites* regional organisations and institutions to step up financial and other efforts to tackle racism, racial discrimination, xenophobia and related intolerance;

103. *Recognizes* that civil society, human rights non-governmental organisations, human rights defenders, private sector and trade unions have an important contribution to make in order to fight against racism, racial discrimination, xenophobia and related intolerance;

104. *Welcomes* the high valuable participation of civil society, human rights non-governmental organisations, human rights defenders, private sector and trade unions to the implementation of the Durban Declaration and the Plan of Action;

105. *Recognizes* that the precarious situation of human rights defenders and non-governmental organisations, including anti-racist non-governmental organisations, has not evolved in many parts of the world which undermines the fight against racism, racial discrimination, xenophobia and related intolerance;

106. *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;

107. *Invites* civil society, human rights non-governmental organisations, private sector and trade unions to intensify their efforts to eliminate racism, racial discrimination, xenophobia and related intolerance;

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

108. *Expresses* concern at the recent proliferation of mechanisms linked to racism and discrimination and the potential counterproductive effects of such a proliferation, including:

- Undermining the efficiency of efforts undertaken in the fight against racism and racial discrimination, including the mainstreaming of our efforts in the whole UN system;
- Diminishing the visibility and accessibility of those mechanisms to the outside world, in particular for the victims of racism and racial discrimination;
- Complicating the task of assuring coherence and coordination between all these mechanisms increasing the risk of overlap, duplication and inconsistencies;
- Duplication and overlapping;

109. In view of the results achieved by these various mechanisms and of the level of cooperation of Member States with all these mechanisms, *stresses* the need to rationalize and streamline all Durban follow-up mechanisms with a view to ensure effectiveness, coherence, visibility and accessibility;

110. *Takes note* of the fact that the issue of complementary standards has been transferred to the Ad Hoc Committee on Complementary Standards and the difficulty encountered by the Five Eminent Persons to meet on a regular basis, 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 implement the provision of the DDPA addressed to them;

111. *Requests* the Working Group of Experts on People of African descent to collaborate closely with all others 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;

112. *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 data and best practices on the fight against racism and discrimination all over the world;

113. *Invites* the High Commissioner to pursue its collaboration with regional and national bodies dealing with the fight against racism and discrimination;

114. *Expresses* its support to the Special Rapporteur on contemporary forms of racism and requests him to pursue his efforts to ensure a global and universal approach to the fight against racism and discrimination, avoiding any hierarchy among victims;

115. *Expresses* its full support to the Special Adviser on the prevention of genocide and calls on all States to cooperate fully with him, including by accepting his requests for visits;

116. *Welcomes* the efforts made by the Special Adviser to elaborate indicators for the prevention of genocide in collaboration with CERD and encourages these bodies to pursue their collaboration in this regard;

117. *Stresses* the important role played by other Special procedures in the fight against racism and discrimination, such as the Special Rapporteur on freedom of expression, the Special Rapporteur on freedom of religion and belief, the Independent expert on minorities issues, the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on violence against women, and invites them to collaborate as appropriate in order to ensure a coherent approach against racism and discrimination;

118. *Calls on* all States to cooperate fully with all Special procedures and to extend standing invitations to them and in this regard recommends the adoption of strategies that favour a closer dialogue with States through procedures seeking more responsive positions from them;

119. *Stresses* the crucial role played by civil society in the fight against racism and discrimination and the necessity to ensure its full contribution to meetings and activities of UN mechanisms dealing with the fight against racism and discrimination;

120. *Requests* all States to establish national institutions to fight against racism and discrimination, as foreseen in the Durban Declaration and Programme of Action and in conformity with the Paris Principles;

121. *Requests* also all States to protect human rights defenders and allow them to work freely for the promotion and protection of human rights;

122. *Recommends* also the establishment of regional mechanisms against racism and discrimination, including complaint mechanisms;

123. *Emphasizes* the need for increased cooperation between the Durban follow-up mechanisms and other bodies or mechanisms working on thematic issues linked to the fight against racism and racial discrimination;

124. *Reiterates* the need to fully implement existing instruments, in particular the ICERD and welcomes the broad interpretation given by CERD to the definition of racial discrimination as contained in the Convention so as to address instances of double or multiple forms of discrimination;

125. *Recalls* that the Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance;

126. *Stresses* the need for implementation of existing standards regarding incitement to racial or religious hatred and violence, and that there is no need for further standards in these areas, as recently demonstrated by reports presented before the Human Rights Council;

127. *Requests* the Ad Hoc Committee on Complementary Standards to base its discussion on the work previously done and the information collected by the Intergovernmental Working Group, in particular the report made by CERD and the report of the five Experts on complementary standards;

128. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of early warning or prevention cases, as mandated by Security Council resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser, who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

129. *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;

130. *Requests* all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

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

131. *Affirms* that full implementation of the ICERD is fundamental for the success of the global fight against racism and racial discrimination;

132. *Stresses* that this Convention is sufficient to address contemporary manifestations of racism and discrimination and should thus remain the legal basis of the International Community to fight racial discrimination and the efforts for universal ratification of this instrument should be stepped up;

133. *Welcomes* the early warning and urgent action procedure established by CERD which has not only allowed the Committee to make recommendations to States Parties but as well, through the UN Secretary-General, to the UN Security Council in order to prevent serious violations of the Convention, in particular those that could lead to ethnic conflict and violence;

134. *Notes* that six countries have signed the ICERD but have not ratified it and that 16 countries have not taken action to adhere to this convention (A/HRC/8/15);

135. *Stresses* the urgent need for universal ratification of the ICERD and the necessity to step up efforts for universal ratification of this instrument;

136. *Urges* States that have not yet done so to ratify or accede to the ICERD as a matter of high priority recognizing that this Convention remains the legal basis of the International Community to fight racial discrimination;

137. *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;

138. *Acknowledges* that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant actors of civil society 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;

139. *Expresses* serious concern regarding the delays in the submission of reports to the CERD considering that 29 States parties are at least five years late in the submission of their reports and that 17 States parties are at least 10 years late in the submission of their reports;

140. *Emphasizes* that the delays in reporting by States parties hampered the work of the CERD in monitoring implementation of the Convention;

141. *Urges* States to comply with their obligation to submit their report in a timely manner;

142. *Invites* States to request technical assistance regarding the drafting of reports if they need such assistance;

143. *Invites* national human rights institutions to assist their respective States to comply with their reporting obligations, and to monitor closely the follow-up to the concluding observations and recommendations of the Committee;

144. *Invites* States parties to enhance follow-up to the implementation of the recommendations of the CERD including through the organisation of workshops;

145. *Highlights* that follow-up visits, together with the follow-up reports submitted for consideration, provide the Coordinator with an optimum overview of the steps taken towards the implementation of the recommendations addressed by the Committee to the State party concerned one year earlier;

146. *Recommends* that States fully involve civil society when preparing their Treaty body reports and their follow-up;

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

147. States should ensure a comprehensive and universal approach to the fight against racism and discrimination, in particular by ensuring the same treatment and protection to all victims of racism and discrimination and recommends the following best practices:

- (a) Adopting a comprehensive legal framework to fight racism and all forms of discrimination, including multiple and aggravated forms of discrimination;
- (b) Ensuring access to justice for victims as a means to fight against impunity for racist and xenophobic crimes as well as appropriate remedies;
- (c) Preventing impunity for crimes motivated by racist or xenophobic attitudes. Considering the racist motivation as an aggravated circumstance;
- (d) Stressing that States should promote and ensure democracy, accountable and participatory good governance which is responsive to the needs of the people and the rule of law as an essential element in the fight against racism and discrimination;
- (e) Highlighting the important role to be played by parliaments, not only as a forum to promote debate around the problem of discrimination but also as a key actor in the creation of national legal frameworks in tune with international human rights instruments and fostering the effective implementation of the latter;
- (f) Stressing the freedom of expression as a necessity to counter racism and discrimination, while at the same time avoiding incitement to violence and hatred in accordance with articles 19 and 20 ICCPR;
- (g) Supporting the positive role Media can play in the fight against racism and discrimination;
- (h) Adopting measures to address the issue of hate speech in the Media, including on the Internet;
- (i) Taking effective measures to promote diversity in the work place, including in public services;
- (j) Promoting measures to strengthen the role of education, training and awareness raising measures in the fight against racism and discrimination;
- (k) Promoting mediation measures to fight against racism and discrimination;
- (l) Emphasizing the role of preventive measures against racism and discrimination, also as a means to prevent conflicts and violence, in particular war crimes, crimes against humanity and genocide;
- (m) Supporting the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;
- (n) Ensuring the existence and implementation of measures to counter discrimination against women suffering from racism and racial discrimination and promoting gender mainstreaming;

(o) Placing a general duty on public authorities to promote equality. Public authorities should, in performing their public functions, have due regard to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between persons of different ethnic or racial origins;

(p) Adopting a national action plan against racism and all forms of discrimination. Underlining and supporting the positive and complementary role played by regional organisations such as the Council of Europe or the OSCE in the fight against racism and discrimination, including by adopting specific legislation to fight against racism and discrimination;

(q) Supporting the role of civil society, including by financing its activities as appropriate;

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

148. *Reaffirms* that the Durban Declaration and Programme of Action provide a comprehensive framework to address all forms of racism and discrimination, including their contemporary manifestations;

149. *Reaffirms* that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited;

150. *Requests* all States to give more attention to multiple and aggravated forms of discrimination and to fight them with increased determination;

151. *Reaffirms* the fundamental unity of the human race and that all human beings belong to a single species;

152. *Rejects* any doctrine of racial superiority along with theories or doctrines which attempt to determine the existence of separate human races, as well as any implicit acceptance of such theories or doctrines which could emerge from the use of the terms 'race' or 'racial';

153. *Stresses* the need to have a comprehensive and universal approach of racism and discrimination in all parts of the world;

154. *Requests* all States to avoid the establishment of a hierarchy among potential victims of racism and discrimination;

155. *Invites* the Office of the High Commissioner for Human Rights to help disseminate best practices in terms of national action plans and legislation;

156. *Requests* the Office of the High Commissioner to strengthen its early warning procedure to detect signs of ethnic tensions and violence, in collaboration with CERD, the Special Adviser on the prevention of genocide and other parts of the UN;

157. *Requests* States to respect and implement the responsibility to protect in conformity with paragraphs 138-139 of the World Summit Outcome;

158. *Urges* States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of truly independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Paris Principles and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena;

159. *Calls upon* States to consider implementing more widespread and systematic discrimination testing ('situation testing') in order to facilitate a clearer assessment of the magnitude and mechanisms of discrimination in areas such as education, employment, housing and health provision, and to provide evidence with which to supplement official data.



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Agenda item 64 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus, Uganda* and Venezuela (Bolivarian Republic of): revised draft resolution

Combating defamation of religions

The General Assembly,

Reaffirming the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination,¹ the International Covenant on Civil and Political Rights,² the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,³ the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live⁴ and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,⁵

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

* On behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference.

¹ United Nations, *Treaty Series*, vol. 660, No. 9464.

² See resolution 2200 A (XXI), annex.

³ See resolution 36/55.

⁴ See resolution 40/144, annex.

⁵ See resolution 47/135, annex.



Welcoming the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000⁶ to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001,⁷ welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist, xenophobic and ideological superiority platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and illegal immigration, thereby legitimizing discrimination against them, and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion, and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal,

Noting with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that defamation of religions is a serious affront to human dignity leading to the illicit restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

Stressing also the need to effectively combat defamation of all religions, and incitement to religious hatred in general,

Reaffirming that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter of the United Nations,

⁶ See resolution 55/2.

⁷ See A/CONF.189/12 and Corr.1, chap. I.

Noting with concern that defamation of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

Taking note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Human Rights Council at its fourth and sixth sessions,⁸ which draw attention to the serious nature of the defamation of all religions, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in internationally agreed human rights instruments, including the International Covenant on Civil and Political Rights,²

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,⁹ and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil society to contribute to the implementation of the Programme of Action contained in the Global Agenda,

Welcoming the efforts of the Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, as well as the forthcoming second forum of the Alliance, to be held in Istanbul, Turkey, on 2 and 3 April 2009,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of the different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards people belonging to different cultures, religions and beliefs generate hatred and violence among peoples and nations throughout the world,

Recognizing the valuable contributions of all religions and beliefs to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of common values,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Reaffirming the need for all States to continue their national and international efforts to enhance dialogue and broaden understanding among civilizations, cultures, religions and beliefs, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

⁸ A/HRC/4/19 and A/HRC/6/6.

⁹ See resolution 56/6.

Welcoming all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the international dialogue on interfaith cooperation, and the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the programmes led by the United Nations Educational, Scientific and Cultural Organization in this regard,

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and in this regard taking note with appreciation of the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,¹⁰

Recalling its resolution 62/154 of 18 December 2007,

1. *Takes note* of the report of the Secretary-General¹¹ and the conclusions contained therein;

2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites and religious symbols of all religions;

4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of defamation of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism, defamation of religions, and incitement to religious hatred in general, become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism;

8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006¹² and reaffirmed by the Assembly in its resolution 62/272 of 5 September 2008, and which clearly confirms, inter alia, that terrorism cannot and should not be associated with

¹⁰ A/62/464, annex.

¹¹ A/63/365.

¹² Resolution 60/288.

any religion, nationality, civilization or ethnic group, stressing the need to reinforce the international community's commitment to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the defamation of religions;

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as targeting of religious symbols;

10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference, and has the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination,¹³ in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Welcomes* the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;¹⁴

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where applicable, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

14. *Reaffirms* the obligation of all States to enact the necessary legislation to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and encourages States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,⁷ to include aspects relating to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination against minorities fully into account;

15. *Invites* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;³

¹³ See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

¹⁴ *Ibid.*, *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

16. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, and incitement to religious hatred in general, to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

17. *Also urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

18. *Underscores* the need to combat defamation of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising, and urges all States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

19. *Calls upon* all States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

20. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious leaders and bodies and the print and electronic media to support and foster such a dialogue;

21. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as the means to consolidate international efforts in order to combat impunity for such deplorable acts;

22. *Welcomes* the initiative by the United Nations High Commissioner for Human Rights on the recently held expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to concretely contributing to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

23. *Takes note* of the efforts of the United Nations High Commissioner for Human Rights to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education

proclaimed by the General Assembly on 10 December 2004,¹⁵ and calls upon the High Commissioner to continue those efforts, with particular focus on:

(a) The contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

24. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world, to the General Assembly at its sixty-fourth session.

¹⁵ See resolutions 59/113 A and B.

23 January 2009

**Revised version of the technically reviewed text (A/CONF.211/PC/WG.2/CRP.2)
submitted by the Chairperson-Rapporteur of the intersessional open-ended working group
mandated to continue and finalize the process of negotiations on and drafting of the
outcome document¹**

Note by the Secretariat:

Only highlighted provisions were adopted ad referendum. Text that is not highlighted remains to be negotiated. This includes bracketed text which was subject to a request for deletion and bold text in brackets which was introduced by a delegation of a Member State. The remainder of the text was not part of the first reading due to time constraints.

¹ Reflecting the status of negotiations in the working group as at 6.00 pm, Friday, 23 January 2009.

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)

NEW PARA: Reaffirms the Durban Declaration and Programme of Action (DDPA) as it was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001; **[Adopted ad ref.]**

1. **[Emphasizes]** the need to **[identify/address all forms and]** **[eradicate all]** manifestations of racism, racial discrimination, xenophobia and related intolerance **[in all parts of the world]** **[as identified in the DDPA, including contemporary manifestations]**, especially in light of developments and challenges that have occurred since the adoption of the DDPA **[with a view to prevent,]** and to combat **[and eradicate]** those manifestations wherever they occur;
2. **[Notes]** **[Emphasizes]** that the DDPA **[is an important milestone in]** **[constitutes a solid foundation for]** 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]** **[Since its adoption]**, a number of countries have taken **[substantial]** steps to incorporate and implement the DDPA in their national policy framework. **[While]** others have worked to streamline their policies in accordance with the DDPA, **[there [are still many] remain areas where achievements have not been gained or further improvements have to be attained]** **[All these steps and efforts indicate progress in many cases;]**

ALT: Others have worked to streamline their policies in accordance with the DDPA. All these steps and efforts indicate progress in many cases. **[Nevertheless it is troubling that there are still many where achievements have not been gained or further improvements have to be attained;]**

3. **[Affirms that the [effective implementation of the DDPA can contribute to combating racist and xenophobic trends]** **[failure to fully implement the DDPA [has contributed to]** **[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;]

4. Notes the continued existence of racism, racial discrimination, xenophobia and related intolerance, and inequality in all spheres of human life, and non compliance with specific obligations in the promotion and protection of equality at the national, regional and international levels and reaffirms the obligation of States to take action in this respect; **[Adopted ad ref.]**
5. [Notes that other obstacles hampering progress in the collective struggle against racism and racial discrimination include **[first and foremost the absence of political will, the denial of the existence of contemporary racist tendencies,]** weak **[national]** legislation and policies, lack of effective strategies, **[lack of political will,]** lack of implementation of international legal framework and commitments, impunity on different grounds [– including **[[negative] abuse of]** freedom of expression, [counter-terrorism, and national security] **[stereotypical association of religion with terrorism and violence by the media and national security forces]**– as well as an increase in extreme right wing xenophobic political platforms. Hence the need **[arises]** to deal with this menace in all its forms and manifestations with all available tools at our disposal];]
6. Underlines that racial discrimination condoned by governmental and state agencies, policies and practices violates human rights and may endanger friendly relations between peoples, cooperation among nations, and international peace and security; **[Adopted ad ref.]**
7. Confirms that **[recognition of and full]** respect for cultural diversity **[and multiculturalism]** [is an important tool to combat racial discrimination] **[contributes to combating racial discrimination]** **[Stresses that the respect for cultural diversity is a fundamental principle to combat racial discrimination.]** **[while bearing in mind the significance of national and regional particularities, as well as social, cultural and religious backgrounds, it is reiterated that they may not be invoked to disregard [internationally accepted] [international human rights law] [human rights and fundamental freedoms]** [while reiterating that cultural particularities cannot be invoked to [derogate] **[disregard]** [from] international human rights law];
8. [Alarmed at the intellectual and political [resistance] **[opposition]** to **[cultural diversity,]** 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;]

ALT: Reiterates that the rejection of diversity is one of the root causes of the resurgence of racist and xenophobic violence;

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

NEW PARA: Reaffirms that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free, equal in dignity and rights and strongly rejects

any doctrine of racial superiority along with theories which attempt to determine the existence of so-called distinct human races; **[Adopted ad ref.]**

9. Notes **[with concern the continued existence/persistence of]** [that] racist theories and ideologies of [national] **[racial]** superiority **[which [are linked to]]** [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 **[and failure to comprehensively implement the DDPA];**
10. [[Notes] **[Expresses concern]** that one of the principal reasons fomenting the tide of racism is the **[lack of understanding of the history and cultures of different peoples,]** [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 **[and] [impunity]** [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;]]
11. [Notes with] **[Expresses]** deep concern **[at]** 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 **[and religious]** hatred;
12. Resolutely condemns **[all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination in any form and calls upon States in accordance with their obligations under human rights law to adopt immediate and positive measures designed to eradicate all incitement to or acts of such discrimination]** [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];

(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 or agents of the State; **[Adopted ad ref.]**

(Poverty and racism)

14. Considers that poverty and social exclusion affecting certain sectors of society **[may contribute to the occurrences of various forms of [racial] discrimination [which in turn contribute to the persistence of racist attitudes and practices and generate more poverty]** [are cross-cutting themes relating to the various forms of discrimination];

ALT: Reiterates that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty [**and are cross-cutting themes relating to the various forms of discrimination**];

ALT 2: Regretting that commitments made in paragraphs 157 and 158 of the DDPA remain unfulfilled;

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

NEW PARA: Recognizes that racism, racial discrimination, xenophobia and related intolerance are [still] among the root causes of armed conflict [and very often one of its consequences];

15. [Deplores the numerous occurrences of [**armed**] [internal] [**and international**] 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;]
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 in the context of serious and systematic violation of human rights**] [especially if they are uttered in the context of an actual or potential outbreak of violence, and serious and systematic violation of human rights] [**and requests States to respect and implement the responsibility to protect in conformity with paragraphs 138 and 139 of the World Summit Outcome**]; [proposal to move second part to section 5]
17. Reiterates that [freedom from discrimination] [**non-discrimination**] [**including**] on the ground of race, [**colour, descent or national or ethnic origin**] is a fundamental principle of international humanitarian law and [**underscores the need for**] [urges] all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law [**and continue to combat all forms of racial discrimination**]] [prohibiting adverse distinction];
18. [Deplores also the use of Government-aligned or -organized irregular militia to oppress, murder and displace ethnic populations;]

ALT/NEW PARA: Re-emphasizes State obligations in situations of armed conflict and territories falling under their effective control where protection provided by international law is at its weakest level;

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

NEW PARA: Acknowledging that slavery and the transatlantic slave trade were appalling tragedies in the history of humanity and were a crime against humanity;

19. [Pays tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid;]

NEW PARA: Recognizes that individuals, groups, **peoples** and nations that are affected by [the violation of] [**discriminatory**] policies and practices, such as colonialism, slavery and ethnic cleansing based on theories of racial national superiority, hatred and distinction as to race, colour, or national or ethnic origin, as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance and have the right to address these scourges;

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 including the establishment of national, regional-hemispheric bicentennial committees to commemorate the bicentenary of the abolition of the transatlantic slave trade** [and stresses the need to similarly address the trans-Saharan slave trade and the slave trade in the Indian Ocean.] [**Also**] 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 [**as a complement to the existing International Day for the Remembrance of the Slave Trade and its Abolition of UNESCO**];]

NEW PARA: Further welcomes the initiative of the States Members of the Caribbean Community to erect at a place of prominence at United Nations Headquarters that is easily accessible to delegates, United Nations staff and visitors, a permanent memorial in acknowledgement of the tragedy and in consideration of the legacy of slavery and the transatlantic slave trade;

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;]

ALT: Appreciates the actions of those countries that have, in the context of colonialism and slavery, expressed remorse, apologized, paid reparations or restituted cultural artifacts since the adoption of the DDPA;

(Racial profiling, counter-terrorism)

22. [Draws attention to the impact of] [**Strongly deplores the [overt and covert] discriminatory**] counter-terrorism measures [on] [**that have led to**] the rise of racism,

racial discrimination, xenophobia and related intolerance [including the practice of racial, ethnic, national and religious profiling;]

NEW PARA: Also condemns all acts of ethnic, racial or religious profiling and segregation in any society, wherever it may occur, and its concomitant negative impact on the human rights of affected segments of population [and urges States to take resolute action against those responsible both in the public and private sectors]; **[proposal to move to section 5].**

NEW PARA: Reaffirms that counter-terrorism strategies should not undermine the protection of human rights and the fight against racism, racial discrimination, xenophobia and related intolerance;

(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[s] and discrimination [**practiced, misusing religions or belief**] [**on the grounds**] [**and**] [in the name] of religion or belief;
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 [**in particular**] motivated by [**different forms of religious intolerance**] [Islamophobia, anti-Arabism, anti-Semitism and Christianophobia];

ALT: 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;

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 [**prohibited by law**];

ALT: Condemns any advocacy of racial or religious hatred which constitutes incitement to discrimination, hostility or violence, and [**should be prohibited by law**];

26. [[Notes with concern] [**Seriously concerned at the**] instances of defamation of religions, which manifests itself in [**projecting negative, insulting and derogatory images of religions and religious personalities,**] 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 [**the surveillance of places of worship and restrictions on their construction**] [the construction of places of worship and their surveillance];]

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;

ALT: Welcomes measures to address the phenomenon of multiple and aggravated forms of [racial] discrimination;

28. Reaffirms a holistic approach to human rights guaranteeing the indivisibility of all human rights, and stresses that **[fundamental freedoms of expression and association should continue to contribute and promote the positive and desirable phenomenon of multiculturalism, respect for cultural diversity and tolerance among all religions, peoples and societies.]** [the fight against racial and religious hatred should not serve as a pretext to legitimize impermissible limitations to freedom of expression] **[as the right to freedom of expression constitutes one of the essential foundations of a democratic society as it ensures individual self-fulfillment and a pluralistic, tolerant society with access to multitudes of ideas and philosophies];**

ALT/NEW PARA: Reiterates that freedom of religion or belief, freedom of opinion and expression and non-discrimination are interdependent and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to national racial and religious hatred in accordance with the permissible limitations under article 20 of the ICCPR and analogous instruments;

NEW PARA: Recognizes the importance of the positive role that can be played by the media in this context in particular through a responsible media that abstains from diffusing hate or defamatory information and that engages to fight against such practices;

(Holocaust) **[proposal to change title]**

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;]

ALT: Recalls that the Holocaust must never be forgotten;

[NEW PARA: Recalls and urges States to implement United Nations General Assembly resolutions 60/7 and 61/255 which observed that remembrance of the Holocaust is critical to prevent further acts of genocide, condemned without reservation any denial of the Holocaust and urged all Member States to reject denial of the Holocaust as a historical event either in full or in part or in any activities to this end;] **[proposal to move to section 5]**

[(Middle East)] **[proposal to delete cluster]**

30. [Expresses deep concern at the practices of racial discrimination against the Palestinian people as well as **[Syrian nationals of the occupied Syrian Golan]** [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;]
31. [Reiterates that the Palestinian people have the inalienable right to self determination and that, in order to consolidate the **[Israeli]** occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction of movement and arbitrary closure of their territories. Also notes **[with concern]** that illegal settlements continue to be built in the occupied **[Arab]** territories **[since 1967];]**
32. [Reaffirms that a foreign occupation founded on settlements, laws based on racial discrimination with the aim of continuing domination of the occupied territory~~y~~**[ies]**, as well as the practice of reinforcing a total military blockade, isolating towns, villages and cities from one another, **[totally]** contradicts the purposes and principles of the Charter of the United Nations **[and constitutes a serious violation of international human rights and humanitarian law, a crime against humanity, a contemporary form of apartheid and serious threat to international peace and security]** **[and violates the basic principles of international human rights law];]**

[NEW PARA: Expresses deep concern at the plight of Palestinian refugees and other inhabitants of the Arab occupied territories as well as displaced persons who were forced to leave their homes because of war and racial policies of the occupying power and who are prevented from returning to their homes and properties because of a racially-based law of return. It recognizes the right of return of Palestinian refugees as established by the General Assembly in its resolutions, particularly resolution 194 of 11 December 1948, and calls for the return to their homeland in accordance with and in implementation of this right;]

33. [Reiterates deep concern about the plight of the Palestinian people **[as well as inhabitants of the other occupied territories]** under foreign occupation, **[including the obstruction of the return of refugees and displaced persons, and the construction of the segregation wall,]** 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;]
34. [Re-emphasizes the responsibility of the international community to provide international protection, in particular from racism, racial discrimination, xenophobia and related intolerance, for **[Palestinian]** civilian populations under occupation in conformity with international human rights law and international humanitarian law;]

[Proposal to include reference to Gaza situation – language to be provided]

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];

ALT: Acknowledges that there should be no hierarchy among potential victims of racism, racial discrimination, xenophobia and related intolerance and that all victims should receive [proper attention and proper treatment] [**same attention, protection and treatment**] [**equal and proper attention**] [**equal attention and appropriate treatment**] [adequate] [appropriate] [attention and treatment] [**equal attention, the same protection and appropriate treatment**] in order to ensure the full enjoyment of their human rights;

NEW PARA: Emphasizes that victims' right to access to justice is of [special] [**paramount**] importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically, [and [**further emphasizes the need for equality for victims in legal systems**] [**further emphasizes the need for equal treatment before the law**] that the principle of equality of victims in legal systems is meaningless unless it is accompanied by affirmative action]; [**proposal to move to section 5**]

[**NEW PARA:** Affirms that there still exists a great knowledge gap to be addressed regarding the central role of the transatlantic slave trade in shaping the modern world and that a great challenge remains to restore the dignity of the victims of this unparalleled tragedy of humanity;]

(Africans and people of African descent)

36. Regrets recent attempts at the [**pseudo**] intellectual and [**allegedly**] [**pseudo**] scientific legitimization of racism [**on the grounds of descent**], in particular the revival of negative stereotyping of Africans and People of African descent [**as inferior to other races, as slavery and colonialism have originated in such misguided ideas**];
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; [**Adopted ad ref.**]

[**NEW PARA:** Notes the need to bolster measures that promote and broaden access to opportunities for a greater and better participation by people of African [**and Asian**] descent and indigenous peoples in political, economic, social and cultural aspects of society, together with measures that ensure that national political and legal systems reflect society's cultural diversity, particularly as regards women, and acknowledge the various systems and forms of representation;] [**move to general provisions**]

(People of Asian descent)

[**NEW PARA:** Expresses concern at the high incidence of racially motivated acts of violence and intolerance against [**Asians and**] people of Asian descent;]

[NEW PARA: Recognizes that in many parts of the world, Asians and people of Asian descent continue to face barriers as a result of social biases, negative stereotypes, and discrimination and expresses the commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Asians and people of Asian descent;]

(Indigenous people[s])

38. Notes [some] 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 [**Regrets however that racism, racial discrimination, xenophobia and related intolerance still persists in an implicit and explicit manner against indigenous peoples and individuals**];
39. [Notes with appreciation] [**Welcomes**] the adoption of the UN Declaration on the Rights of Indigenous Peoples and the creation of the Permanent Forum on Indigenous Issues [**and the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples**], which have a positive impact on the protection of victims [**and underlines that the use of the term “indigenous peoples” should be understood in the context of the adoption of the Declaration**];

[**Proposal to change order of paras 38 and 39**]

NEW PARA: Stresses the importance of making progress in putting in place [affirmative action policies] [**special measures**] 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 [**and Asian**] descent, indigenous peoples and other groups suffering from discrimination live; [**proposal to move to general provisions or section 5**]

NEW PARA: Recognizes also that indigenous peoples have been victims of [**racism, racial discrimination, xenophobia and related intolerance**] [discrimination] for centuries and affirms that they are free and equal in dignity and rights and should not suffer from any discrimination particularly on the basis of their indigenous origin and identity and stresses the continuing need for action to overcome [**those**] [**them**] [the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;]

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; [AGREED]~~

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

NEW PARA: Urges States to adopt comprehensive measures based on international law and relevant instruments including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; **[proposal to move to section 5]**

[NEW PARA: [Welcoming the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families] [Regrets that some States have refrained so far from acceding] [Notes that several States have not yet acceded] to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [and reiterates its appeal to these States to do so as soon as possible];] [proposal to move second part to section 5]

41. [Recognizes that **[racist [discriminatory] and xenophobic attitudes]** [xenophobia] against non-nationals, particularly migrants, refugees and asylum-seekers **[internally displaced persons and stateless persons]**, constitutes one of the main sources of contemporary racism **[in [all] [different] [certain] parts of the world]** and that human rights violations against members of [such] **[these]** groups occur widely [in the context of discriminatory, xenophobic and racist practices] **[in [all] [different] [certain] parts of the world];]**
42. Deplores the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and targeting of migrants, refugees and asylum seekers; **[Adopted ad ref.]**
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 **[contrary to international human rights law]** [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;

ALT: 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 **[also]** stresses that human rights [are to] **[must]** be [applied] **[respected]** in such areas for non-citizens in general, and for migrants, refugees and asylum seekers in particular;

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;
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;

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;
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;
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;

(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;

(Ethnic, linguistic and religious minorities)

50. Welcomes efforts aimed at developing consultation with bodies representing persons belonging to minorities;
51. Expresses deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities;
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;
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;

(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;
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;
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;

(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;
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;
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;

61. Notes with concern increased instances of discrimination on the multiple grounds of race and religion since 2001;

(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;
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;
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;
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;
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;

(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;

(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;

(Sexual orientation)

69. Condemns all forms of discrimination and all other human rights violations based on sexual orientation;

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;
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;

(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;
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;

(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;
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;

(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;
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;
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;

(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;
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;

(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;
83. Deplores the fact that some countries have not yet established independent human rights and other relevant institutions;

(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;

(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;
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;
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;

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;
89. Affirms the importance of an effective and independent judiciary to allow the victims of racism to seek adequate redress;
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;

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;
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;

(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;
94. Expresses concern over the lack of willingness of certain countries to cooperate with international criminal tribunals;

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;
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;

(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;

(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;
99. Notes financial initiatives in support of the fight against racism, racial discrimination, xenophobia and related intolerance;
100. Welcomes the important initiatives to combat anti-Semitism, hate crimes, racism, xenophobia and discrimination as well as intolerance and discrimination against Muslims;
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;
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

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] [**Takes note with**] appreciation [for] the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance undertaken by [**all**] 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 the Ad Hoc Committee on the Elaboration of Complementary International Standards**], and for the contributions they have made to implement the Durban Declaration and Program of Action [**and for further improvement of these mechanisms**];
104. Welcomes the important role played by [**relevant special procedures**] [*inter alia*, the **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant mandates**] [*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][**the Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the convention on the Rights of Persons with Disabilities**] in the fight against racism, racial discrimination, xenophobia and related intolerance;
105. Acknowledges the need to [**rationalize and**] 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 [**and avoiding duplication of mandates**] [as well as giving due account to their output in the mainstreaming of human rights within the UN system] [**and urges OHCHR and States to continue to raise awareness of and bring visibility to these mechanisms**];

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:

- **[Strengthening]** The political will or commitment of States to cooperate with them, including to **[the]** follow up on their recommendations;
- **[Avoiding]** [The proliferation of mechanisms]; **[Rationalizing the mechanisms]**
- **[Increasing]** The level of visibility and accessibility of mechanisms to the outside world, in particular for victims of racism and racial discrimination;
- **[Ensuring]** A coherent approach, which **[strengthens the existing mandates]** [decreases the risk of overlapping, duplication and inconsistencies];
- **[Ensuring]** Effective cooperation and coordination [among various] **[of relevant conventional and extra-conventional human rights mechanisms and the GA];** mechanisms **[and relevant agencies and programmes]** [as well as] **[including]** [interaction with CERD, the HRC and the General Assembly];

[MERGE bullets 4 and 5: A coherent approach with ensures cooperation, coordination, consistency and complementarity among the different mechanisms as well as their effective interaction with CERD, HRC and the GA;]

- **[Ensuring]** Effective collaboration with **[victims]** and **[civil society];**
- **[Effective public awareness and publicizing of the outcomes and recommendations of the work of the mechanisms];**
- **[Ensuring]** **[Maintaining]** Adequate funding and servicing **[and allocating new and additional resources where necessary];**

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]] **[educators]** **[training of trainers, policy-making bodies]** 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; **[proposal to move to section 5]**

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

108. **[Welcomes the review and extension of the mandate of the Working Group of Experts on People of African Descent as contained in HRC resolution 9/14]** 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 **[Africans and persons of African descent]** [persons of African descent in the African Diaspora];

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;

B. Intergovernmental Working Group on the Effective Implementation of the DDPA

110. [Welcomes] [Takes note of] the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;
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 [and requests that the Intergovernmental Working Group address this issue as soon as possible] [and that the provisions of GA resolutions 61/19 and 62/122 be fully integrated in its deliberations];]

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;]
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;]
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;]

III. Other mechanisms

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

115. [Takes note of] [Welcomes] 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”, [which is yet to be realized];

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;
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;

[MERGE paras 116 and 117: Takes note that the Ad Hoc Committee convened its first session, has discussed different issues pertaining to the fulfillment of its mandated task, and adopted the roadmap relating to the possible elaboration of complementary standards;]

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 **[all victims in accordance with his mandate]** [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 **[and calls n States to cooperate fully with the Special Rapporteur and to extend a standing invitation]**;
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 **[by the Human Rights Council in its resolution 7/34]**;

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, **[and calls on all States to cooperate fully with him, including by accepting his requests for visits]**; **[proposal to move to section 5]**

NEW PARA: Welcomes the efforts made by the Special Adviser to elaborate indicators for the prevention of genocide in collaboration with CERD and encourages these bodies to pursue their collaboration in this regard; **[proposal to move to section 5]**

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 **[the international legal basis] [sufficient] [is the principal international instrument]** [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 **[as the full implementation of the ICERD is fundamental for the success for the global fight against racism and racial discrimination];**
122. Welcomes the [broad] interpretation given by CERD to the definition of the concept of racial discrimination **[as contained in the Convention so as to address]** [and encourages the Committee to continue addressing] **[instances of]** double and multiple forms of discrimination **[such as discrimination on the grounds of race and religion];**

ALT: Welcomes the interpretation by CERD to the definition of the concept of racial discrimination as contained in the Convention so as to address multiple or aggravated forms of discrimination and encourages the Committee to continue addressing multiple or aggravated forms of discrimination;

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, encourages States to ensure appropriate follow-up to the Committee's concluding observations; **[Adopted ad ref.]**

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; **[Adopted ad ref.]**
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 **[[consistent with] [in accordance with]** their commitments to the DDPA);

ALT: 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 recognizing that the Convention remains the legal basis of the international community to fight against racial discrimination in accordance with their commitments [to the DDPA];

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;
127. Requests States parties that have made the declaration under article 14 of ICERD to increase awareness of this procedure so as to fully exploit its potential; **[Adopted ad ref.]**
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;

Reporting

129. Expresses its concern at the delays in the submission of reports by the States 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; **[Adopted ad ref.]**
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; **[Adopted ad ref.]**
131. Encourages the States Parties to disseminate the Durban Declaration and Programme of Action in an appropriate manner and to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action; **[Adopted ad ref.]**
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; **[Adopted ad ref.]**
133. Encourages the States Parties to engage with civil society while preparing their periodic reports and their follow-up; **[Adopted ad ref.]**
134. Encourages non-governmental organizations to continue to provide the Committee on the Elimination of Racial Discrimination with relevant information for the reporting process; **[Adopted ad ref.]**
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; [AGREED]~~

Implementation

NEW PARA: Affirms the important role CERD can play in the monitoring of the full implementation of ICERD by States parties;

136. Notes with appreciation the country visits, the early warning and urgent action procedure and follow-up procedure established by the CERD and applied in cooperation with States concerned can play a conducive role for a proper implementation of the Convention; **[Adopted ad ref.]**
137. Welcomes in this regard the early warning and urgent action procedure which allowed the Committee to make recommendations [as well as, through the UN Secretary-General, to the UN Security Council to prevent] **[to States Parties for the prevention of]** serious violations of the Convention, in particular those that could lead to ethnic conflict and violence;
138. [Notes] **[Welcomes]** the decision of the CERD to establish a procedure **[based on the provision of article 14 of the Convention]** to follow up on its [opinions and] recommendations adopted following the examination of communications from individuals or groups of individuals;

[ALT: Welcomes 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 **[against countries which have made the declaration under article 14 of the Convention];]**

139. Considers that in order for the struggle against racism and racial discrimination to advance [it is important that] States Parties **[are requested to implement, in good faith,]** [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;
140. Emphasizes the importance of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the CERD; **[Adopted ad ref.]**
141. ~~Encourages such institutions or mechanisms to monitor closely follow up on the concluding observations and recommendations of the CERD;~~ **[AGREED]**
142. While acknowledging the primary responsibility of States to implement their obligations under the ICERD, emphasizes that international cooperation and technical assistance play an important role in assisting countries, in the implementation of their obligations under the ICERD and the follow up on the recommendations of CERD, and calls on OHCHR to provide timely assistance to countries upon request which have capacity and other constraints; **[Adopted ad ref.]**

143. [Calls on CERD and the Human Rights Committee to elaborate model legislation on **[the necessity of upholding respect for human rights and reputation, public morals, as well as]** incitement to racial and religious hatred and freedom of expression;]

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.

NEW PARA: Recognizing the primary responsibility of States in implementing the provisions of the DDPA

144. Takes note with interest of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including inter alia, institutions, provisions and legislation to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**
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] **[contribute effectively to]** addressing discrimination, marginalization and exclusion **[of individuals belonging to]** affected and vulnerable groups, [as well as] **[with the aim of providing remedies]** to all victims of racism, racial discrimination, xenophobia and related intolerance;
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, can assist Governments, Parliaments, the judiciary, social partners and civil society to implement effectively the provisions of the DDPA when considered appropriate to adapt or replicate best practices, including international cooperation; **[Adopted ad ref.]**
147. [Recommends that] **[Invites]** States, regional and international organizations and other stakeholders **[through a cooperative approach and international assistance initiatives to]** consider making use of relevant best practices **[in the fight against racism and all forms of discrimination, including multiple and aggravated forms of discrimination in]**, inter alia, the following spheres [including through a cooperative approach and international assistance initiatives]:
 - Institutional frameworks, including independent monitoring mechanisms;
 - **[National] Strategies, policies, plans and programs [against racism and all forms of discrimination];**
 - **[Legislation] [Comprehensive legal framework];**
 - **[Democracy, accountable and participatory good governance];**
 - The rule of law, access to justice [combating impunity] **[and remedies];**
 - **[Combating impunity for crimes motivated by racist or xenophobic attitudes considering racist motivations as an aggravated circumstance];**
 - **[Preventive measures against racism and discrimination also as means to prevent conflict and violence, in particular war crimes, crimes against humanity and genocide];**

- [Apologies, reparations, restitutions and compensations];
- Social and public services;
- Health care;
- Housing;
- Promotion of diversity, intercultural and interreligious dialogue;
- Equal opportunities [**while placing a general duty on public authorities to promote equality**];
- Gender [**To be moved up the list before social and public services?**]
- [Culture] [**Cultural rights and cultural diversity**];
- Sport and leisure activities;
- Inclusive education, training and awareness-raising;
- Mass media and the Internet;
- [**Support for the positive role of media in the fight against racism and discrimination**];
- [**Freedom of expression as a necessity to counter racism and discrimination while respecting articles 19 and 20 of the ICCPR**];
- 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 linked to the Durban Review Conference outcomes section with a view to their adaptation and replication, and recommends that the best practices website be duly and timely updated by OHCHR; [**Adopted ad ref.**]

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 preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance in all parts of the world; **[Adopted ad ref.]**
150. Stresses the need for advocating and mobilizing the political will of relevant actors at all levels for the elimination of racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**
151. Calls on States to undertake effective media campaigns to enhance preventing, combating and eradicating all manifestations of racism, racial discrimination, xenophobia and related intolerance, inter alia, through giving adequate visibility to the Durban Declaration and Programme of Action and its follow up mechanisms; **[Adopted ad ref.]**

Action at the national level

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

NEW PARA: Calls on States **[that while identifying]** [to identify] **[different forms and manifestations of]** [new emerging forms and manifestations of] racism, racial discrimination, xenophobia and related intolerance] [and] take effective, tangible and comprehensive measures to prevent, combat and eradicate them as a matter of priority;

NEW PARA: Calls on States to prohibit by law and adopt necessary policy measures to combat **[in accordance with norms of international law]** the dissemination of all ideas based on racial superiority or hatred and incitement to hatred;

(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] **[by securing access to justice, by granting [and maximizing] [maximum] [fair] [just and adequate] [appropriate] redress for victims];**

[**ALT:** Calls on States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance and provide [**by providing**] [just and adequate] [**maximum**] [**fair**] redress for victims, including through securing expeditious access to justice;]

153. Urges States, as a matter of priority, to [**prohibit**] [**and criminalize**] [**any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with [all] pertinent international instruments**] [and punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments];

ALT: Urges States, as a matter of priority, to prohibit [and criminalize] any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with all pertinent international instruments and punish violent, racist and xenophobic activities [of neo-Nazi groups] accordingly;

154. Invites Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance; [**Adopted ad ref.**]

(Poverty, globalization)

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

155. Urges States to combat impunity for crimes of genocide;

NEW PARA: Requests States to respect and implement the responsibility to protect in conformity with paragraphs 138 and 139 of the World Summit Outcome;

(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;

(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;
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;

(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;
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;
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;
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;

(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;
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;

(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;

(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;

(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;
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;
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;
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;
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;
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;

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;

(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;

(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;

(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;
177. Urges States to adopt specific measures to promote a gender perspective and gender mainstreaming and to fight gender discrimination effectively;
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;

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

(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;
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;
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;

(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;
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;

(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;
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;
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;

(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;
 - 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;
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;

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;

(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;
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;
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;

(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;
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;
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;

(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;

(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;

(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;
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;
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;

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;
205. Recommends the establishment of regional mechanisms against racism and discrimination, including complaint mechanisms;

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;

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;
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;
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;
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;

(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;
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;

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;

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;
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;
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;
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;
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;

(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;

(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;

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;
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;
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;
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;
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;
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;

(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;
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;
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;

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;
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;
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;
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;
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;
235. Requests the Human Rights Council to draw up guidelines on the collection of disaggregated information;
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;
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;

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;
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;
240. Invites the High Commissioner to pursue its collaboration with regional and national bodies dealing with the fight against racism and discrimination;

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

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;

(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;
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;

(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;
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;

Attività parlamentare

**COMMISSIONE III
AFFARI ESTERI E COMUNITARI**

RESOCONTO STENOGRAFICO

AUDIZIONE

3.

SEDUTA DI GIOVEDÌ 11 OTTOBRE 2001

PRESIDENZA DEL VICEPRESIDENTE **DARIO RIVOLTA**

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N. B. Sigle dei gruppi parlamentari: Forza Italia: FI; Democratici di Sinistra-L'Ulivo: DS-U; Alleanza Nazionale: AN; Margherita, DL-L'Ulivo: MARGH-U; CCD-CDU Biancofiore: CCD-CDU; Lega Nord Padania: LNP; Rifondazione comunista: RC; Misto: Misto; Misto-Comunisti italiani: Misto-Com.it; Misto-socialisti democratici italiani: Misto-SDI; Misto-Verdi-L'Ulivo: Misto-Verdi-U; Misto-Minoranze linguistiche: Misto-Min.linguist.; Misto-Nuovo PSI: Misto-N.PSI.

La seduta comincia alle 14,20.

Sulla pubblicità dei lavori.

PRESIDENTE. Avverto che, se non vi sono obiezioni, la pubblicità dei lavori della seduta odierna sarà assicurata anche attraverso l'attivazione di impianti audiovisivi a circuito chiuso.

(Così rimane stabilito).

Audizione del sottosegretario di Stato per gli affari esteri, Margherita Boniver, sulla III Conferenza delle Nazioni Unite sul razzismo, tenutasi a Durban dal 31 agosto al 7 settembre 2001.

PRESIDENTE. L'ordine del giorno reca l'audizione, ai sensi dell'articolo 143, comma 2, del regolamento, del sottosegretario di Stato per gli affari esteri, Margherita Boniver, sulla III Conferenza delle Nazioni Unite sul razzismo, tenutasi a Durban dal 31 agosto al 7 settembre 2001. Ricordo che il sottosegretario Boniver era presente a Durban in rappresentanza del Governo italiano.

Le do senz'altro la parola, ringraziandola per aver accolto l'invito della Commissione.

MARGHERITA BONIVER, *Sottosegretario di Stato per gli affari esteri*. Onorevoli deputati, il mio intervento odierno è finalizzato ad approfondire lo svolgimento della Conferenza mondiale in ambito ONU sul razzismo, sulla discriminazione razziale, sulla xenofobia e relative intolleranze, che si è tenuta a Durban dal 31 agosto al 7 settembre scorsi. L'Italia si è

sforzata di apportare un equilibrato contributo in termini di contenuti e di azione politica, in una stretta aderenza alle conclusioni del Consiglio affari generali del 16 luglio precedente e in costante raccordo con le altre delegazioni dell'Unione europea, in particolare quelle di Francia, Germania e Belgio, paese, quest'ultimo, cui spetta la presidenza di turno del Consiglio.

La Conferenza di Durban faceva seguito a due analoghi eventi che si erano tenuti nel 1978 e nel 1983 per combattere il razzismo e la discriminazione razziale; peraltro, tali precedenti eventi, caratterizzati da esiti controversi e parziali, registrarono entrambi, anche quella volta, l'abbandono dei lavori da parte di Stati Uniti e Israele. La Conferenza di Durban si iscrive nella strategia che l'Assemblea generale dell'ONU ha delineato, con la risoluzione 52/111 del 12 dicembre 1997, per imprimere nuovo slancio alla lotta contro il razzismo dopo un decennio di risultati deludenti.

Si trattava di trarre un bilancio del passato e, soprattutto, di lanciare proposte concrete per l'avvenire. Era anche un'occasione per avanzare nella definizione di un patrimonio di principi e valori universalmente condivisi cui ancorare lo sforzo collettivo volto a governare il terzo millennio e a pervenire ad una globalizzazione dal volto umano. Purtroppo, pesanti incomprensioni, tensioni e polemiche hanno solcato i lavori sin dalla fase preparatoria, condizionandone pesantemente gli esiti. Le spaccature frontali tra schieramenti contrapposti sono culminate nell'abbandono della Conferenza da parte delle delegazioni americana ed israeliana. All'Europa non è restato che sforzarsi di salvare il salvabile, evitando che dall'assise

sunto la presidenza del *main Committee*, l'organo cruciale per l'adozione di documenti finali.

Abbiamo inteso portare un messaggio di moderazione invitando ciascuno a fare un passo indietro per raggiungere il consenso di tutti, cioè per configurare l'accordo su un minimo comune denominatore che in materia di rifiuto del razzismo certamente esisteva ed andava pazientemente fatto emergere al di là di massimalismi e strumentalizzazioni.

L'atmosfera negativa che aveva caratterizzato il processo preparatorio si è comunque riprodotta nei lavori della Conferenza nella città sudafricana. Le delegazioni più radicali hanno cercato di renderla terreno di scontro politico e di polemiche « antimperialiste ». Il negoziato sulla formulazione dei due documenti che l'assise era chiamata a produrre (una dichiarazione ed un piano d'azione) ha fatto registrare drammatiche divaricazioni sui paragrafi relativi alle problematiche del Medio Oriente e alla politica israeliana nei confronti dei territori occupati, nonché su quelli afferenti alla responsabilità per il colonialismo e alla tratta degli schiavi.

Una riflessione a parte merita l'aspetto della partecipazione delle organizzazioni non governative. A Durban ho avuto approfonditi contatti con i rappresentanti delle organizzazioni non governative italiane (circa una trentina), che mi hanno illustrato le aspettative e, soprattutto, hanno formulato specifiche richieste in materia di immigrazione, legge sull'asilo, istituzione di un organismo di garanzia contro il razzismo (una sorta di osservatorio), percorsi formativi sui diritti umani. Analoghe richieste, formalizzate in un documento, hanno presentato alla rappresentanza parlamentare guidata dall'onorevole Trantino, che si è impegnata a sottoporle alle diverse Commissioni parlamentari competenti. Da parte mia, ho attivato le competenti direzioni generali del Ministero degli esteri, per esaminare se sia possibile fornire tempestivi seguiti operativi o porre allo studio utili iniziative legislative.

Purtroppo, all'impegno costruttivo e responsabile delle organizzazioni non governative italiane non ha corrisposto un atteggiamento analogo da parte del Forum che — organizzato al di fuori, naturalmente, dell'aula dell'Assemblea dell'ONU — riuniva le organizzazioni non governative presenti a Durban. Esso è stato totalmente dominato dal gruppo *South African NGO Coordination*, di impostazione assai militante, che ha impresso ai lavori un tono fortemente polemico e radicale, specialmente nei confronti di Israele. Ne è risultata una conduzione autoritaria che ha escluso dal dibattito ogni voce di dissenso e ha definito un documento dai toni particolarmente aggressivi, rigettato da molte organizzazioni non governative presenti (fra le quali *Amnesty International*), incluse quelle italiane.

Svolgimento e risultati del Forum hanno indicato la china che avrebbe potuto prendere la Conferenza stessa se, in assenza di un responsabile impegno europeo, essa fosse stata consegnata alle voci più radicali e antagonistiche.

Per comporre i fortissimi contrasti sulla formulazione dei riferimenti alla situazione mediorientale da inserire nei documenti finali, i relativi paragrafi sono stati raggruppati e sottoposti ad un serrato negoziato durato molti giorni e molte notti. Kofi Annan e l'Alto commissario per i diritti umani, la signora Mary Robinson, hanno pressantemente richiesto all'Unione europea di fare il possibile per salvare la Conferenza.

Lo scontro in corso a Durban metteva a repentaglio lo stesso sforzo che l'Europa, in accordo con Stati Uniti e Russia, conduceva in quei giorni per favorire una ripresa del dialogo fra Arafat e Peres. Abbiamo perciò palesato la nostra inquietudine per l'andamento di un dibattito che stava costituendo un elemento aggiuntivo di grande difficoltà. La situazione si è ulteriormente deteriorata dopo la diffusione del documento del Forum delle organizzazioni non governative, quando le delegazioni statunitense e israeliana hanno deciso di abbandonare la Conferenza,

tere ideale è infine emerso su aspetti centrali per la convivenza fra i popoli. Ma soprattutto, le spinte più oltranziste in materia di definizione delle politiche di Israele sono state contenute. La formulazione finale dei documenti appare accettabile per tutti.

Infine, è uscito rafforzato il ruolo dell'Unione europea, che ha dato prova di unitarietà, coerenza, disponibilità al dialogo e alla mediazione. Siamo riusciti a parlare con una sola voce, e questo ci ha ritagliato un ruolo centrale nella dinamica negoziale riempiendo il vuoto lasciati dagli americani. Pur nel contesto di una Conferenza dei cui esiti non possiamo dirci pienamente soddisfatti, l'Unione europea ha dimostrato di saper realizzare un efficace coordinamento quando gli obiettivi sono condivisi e chiaramente definiti.

PRESIDENTE. Ringrazio il sottosegretario di Stato per gli affari esteri per l'esposizione della sua relazione.

Ha chiesto di parlare l'onorevole Trantino, che guidava la delegazione parlamentare italiana durante la Conferenza di Durban.

ENZO TRANTINO. Onorevole rappresentante del Governo, inizio con una notazione sentimentale: non si trascorrono invano sei anni in un'aula, senza che essa richiami nostalgie ed emozioni; ritorno in questa Commissione ben volentieri. Noto però che qualcosa è cambiato; infatti la figura del presidente pare essere più autorevole con l'aggiunta di una pedana che al tempo io non avevo...!

Ho ascoltato la relazione del sottosegretario Boniver. Devo subito dire che mi è parsa completa e puntuale nella descrizione di quello che è successo. Aggiungo comunque una annotazione per presentare - più che un completamento del suo pensiero - il punto di vista dei rappresentanti del Parlamento nominati dalle Presidenze della Camera e del Senato.

Il sottosegretario Boniver ha detto che a Durban la nostra delegazione è stata la più presente e la più apprezzata durante tutto il tempo dei lavori, dapprima con il

ministro Ruggiero, poi con il sottosegretario Boniver, e sempre comunque con l'ambasciatore Moreno. Il Parlamento italiano ha potuto constatare che oltre a noi solo il Belgio è stato apprezzato per la sua costante presenza. Il resto delle rappresentanze diplomatiche europee era costituito da presenze sporadiche, che però, quando si è arrivati a presentare il documento conclusivo, hanno comunque rappresentato l'Unione europea come una sola voce. La delegazione italiana inoltre portò all'attenzione generale, in un *forum* che non era propenso ad accettare voci di dissenso o quanto meno di ragionevolezza, un documento unitario che più tardi vi leggerò.

A Durban si cominciò con il « falso » tema del razzismo, perché subito apparve chiaro l'uso strumentale che se ne voleva fare. Esso infatti venne scomposto in due parti minori, che invece sarebbero diventate successivamente fondamentali nelle discussioni: il sionismo è uguale al razzismo ed il risarcimento delle ingiustizie subite.

Che il sionismo sia uguale al razzismo, era solamente un eccesso polemico ed un preludio degli eventi successivi. La Conferenza di Durban è l'« uovo del serpente », che immediatamente fa intravedere quello che dopo sarebbe accaduto. Verificatasi difatti una saldatura tra i popoli dell'America latina e quelli africani, Castro, che era alla guida di questo movimento protestatario, facilmente riuscì ad affermare la necessità di ritornare al decreto di Isabella e Ferdinando di Spagna del 1492, dimenticando tuttavia che esso era intitolato: « El exilio por los judios », esprimendo perciò esattamente il contrario di quello che voleva dire: infatti in questo caso gli ebrei non erano gli schiavisti, ma gli schiavi.

La forzatura di Castro era chiaramente solo un pretestuoso richiamo alla nobile causa del popolo palestinese senza patria (con cui solidarizziamo), al fine di giungere ad eguagliare il sionismo al razzismo, con violenza e con volgarità culturale. Si

impegni presi con le ONG per correggere gli errori commessi verso i paesi più poveri e per garantire i diritti civili. Subito dopo il ritorno da Durban, ho presentato una proposta di legge riguardante l'asilo politico, che rappresenta per noi un ambito di decisa assunzione di responsabilità.

Infine devo ricordare le parole dell'illuminato Presidente del Senegal Wade: « La speranza è un'affermazione della memoria. » Credo che per il mondo durante la Conferenza di Durban niente sia stato più forte di questo messaggio.

PRESIDENTE. Dopo aver ascoltato la sua esauriente e brillante esposizione, il nostro rammarico, dovuto al fatto che lei non possa partecipare ai lavori di questa Commissione con l'assiduità di una volta, diventa ancora più grande.

ENZO TRANTINO. Presidente, non lo ripeta perché altrimenti potrei anche dimettermi dalla mia Commissione...

PRESIDENTE. Allora lo ripeterò, di modo che lei possa valutare la possibilità di poter tornare a partecipare ai lavori della nostra Commissione!

Do ora la parola ai colleghi che hanno chiesto di intervenire.

VALERIO CALZOLAIO. Innanzitutto vorrei ringraziare il sottosegretario Boniver per la dettagliata informativa, che ha consentito alla Commissione di venire oggi a conoscenza dei lavori di un'importante conferenza in modo da poter operare delle riflessioni, ed anche per il ruolo che ella ed il ministro Ruggiero hanno assunto nel complesso, ed in alcuni momenti delicato, lavoro svolto nella Conferenza. Vorrei sottolineare inoltre come il sottosegretario Boniver abbia riconosciuto il positivo lavoro preparatorio che si era svolto nei mesi e negli anni precedenti, in particolare facendo riferimento alla conferenza preparatoria che si svolse a Roma e ai documenti che furono approvati in quella sede. Mi sembra di poter rilevare una positiva continuità nell'operato del Governo italiano, che forse anche per questo

viene apprezzata all'estero, perché caratterizza l'identità del nostro contributo internazionale al di là dei passaggi democratici elettorali.

L'elemento più rilevante di questa Conferenza, rispetto alle due precedenti, probabilmente era costituito proprio dal fatto che si teneva in Sudafrica, nel senso che l'evento più rilevante fra la seconda e la terza conferenza è stato costituito dal fatto che un paese, diventato poi anche simbolo tra gli oltre 180 paesi del mondo, sia riuscito ad uscire da quella dinamica, che come sappiamo è insieme economico-sociale, ma anche religiosa, civile, culturale, attraverso un processo democratico, riuscendo anche a rielaborare culturalmente quell'esperienza, che aveva visto conflitti sociali ed economici - e ad un certo momento la totale emarginazione dalla vita civile della grande maggioranza della popolazione nera - grazie alla commissione guidata da Desmond Tutu che ha interrogato i protagonisti - le vittime ed i carnefici - di quella realtà di razzismo in Sudafrica. Dopo ciò che è successo, tuttavia, possiamo considerare la Conferenza (anche se non so se oggi siamo già in grado di tradurla per il futuro) anche come una delle ultime dell'ONU, perché con tutta probabilità quanto è drammaticamente accaduto l'11 settembre cambierà in qualche modo le relazioni di tutti i paesi con l'ONU.

Come sapete, quella è stata anche l'ultima Conferenza nella quale il ruolo degli Stati Uniti purtroppo non è stato di guida ed egemonia all'interno delle scadenze dell'ONU. Si veniva dall'occasione del vertice di Kyoto, nel quale gli Stati Uniti avevano rimesso in discussione un processo negoziale durato dieci anni, per ragioni nel merito delle quali non voglio adesso entrare. Si veniva dall'accumulo di un forte credito finanziario dell'ONU nei confronti degli Stati Uniti e da un'impasse nella riforma di alcune strutture essenziali per il funzionamento di quell'organismo. Probabilmente quanto di drammatico è accaduto fa sì che in futuro sarà possibile, in tempi più brevi e in modi più efficaci, ridiscutere il ruolo dell'ONU. Tuttavia il

pensiamo al ruolo che ha dovuto svolgere il ministro degli esteri sudafricano per far raggiungere comunque degli obiettivi alla Conferenza di Durban. Se vogliamo che il vertice della FAO — in qualsiasi momento esso si svolgerà: per ora le date fissate restano quelle che vanno dal 5 al 9 novembre, ma è possibile che, come sappiamo, si vada verso un più o meno breve rinvio — si risolva non in un fallimento dell'iniziativa della lotta contro la fame, ma in un rilancio di questo genere di istituzioni internazionali, dobbiamo assumerci le responsabilità che spettano al paese ospitante.

PRESIDENTE. Onorevole Calzolaio, la ringrazio per il suo intervento. Riguardo alla sua proposta in merito alla valutazione, in futuro, delle conseguenze derivanti dai risultati della Conferenza di Durban, le ricordo che questo potrebbe essere oggetto di una proposta formulata nell'ambito di una delle prossime riunioni dell'ufficio di presidenza.

MONICA STEFANIA BALDI. Anch'io ringrazio il sottosegretario Boniver per l'ampia e completa relazione, che ha riassunto ciò di cui si è occupata la Conferenza di Durban. Il momento è ovviamente molto delicato e può diventare pericoloso se non si riuscirà a continuare un dialogo a livello internazionale. Il sottosegretario ha identificato due momenti importanti all'interno della Conferenza; mi dispiace però di non avere a disposizione il documento finale (e non si sa quando lo avremo) per poter capire come il piano di azione si articola nei vari punti, anche per poter dare un contributo ad un'azione di coordinamento che vada al di là dell'aiuto umanitario o dell'aiuto allo sviluppo. Sappiamo bene che azioni del genere, se non sono ben coordinate, possono essere lette in termini diversi e sbagliati da coloro che dovranno poi partecipare agli aiuti internazionali.

Molto interessanti sono i richiami agli investimenti pubblici e privati diretti a sradicare la povertà nelle aree in cui vi sono più vittime del razzismo e della

discriminazione; anche in questo caso sarebbe interessante sapere quanti e che tipo di interventi sono stati individuati dalla Conferenza a tali scopi. Inoltre l'appuntamento che vede la ratifica, entro il 2005, della Convenzione sulla eliminazione della discriminazione razziale costituisce una data importante. Vorrei chiederle quali sono, secondo lei, i punti di accordo raggiunti nel corso della Conferenza che permetteranno di determinare le future scelte.

Inoltre, vorrei porre una questione che non riguarda il tema all'ordine del giorno. Il momento è molto difficile e, se il presidente lo consentisse, mi sembrerebbe importante che il sottosegretario, che è rientrato dal Pakistan, ci fornisse qualche informazione diretta riguardo ciò che ha potuto osservare in quella parte del mondo, che si trova in una situazione estremamente delicata.

PRESIDENTE. Non ritengo possibile cambiare argomento nel corso dell'audizione; si può chiedere al sottosegretario di fornire notizie a margine dell'audizione stessa, a meno che non si preferisca proporre, in sede di ufficio di presidenza, una audizione *ad hoc*.

LAURA CIMA. Ringrazio il sottosegretario per la relazione che ha svolto. Vorrei in primo luogo sapere se sono state stabilite le deleghe di sua competenza, in modo tale da comprendere quando e su quali temi sarà possibile incontrarla, mantenendo una certa continuità nella nostra discussione; mi pare di capire (mi piacerebbe molto fosse così) che dovrebbe occuparsi dei temi legati all'ONU ed alla cooperazione: chiedo dunque di saperlo, quando se ne avrà conferma, anche al fine di stabilire un rapporto più diretto, al di là delle riunioni della Commissione.

La Conferenza di Durban ha drammaticamente segnato una crisi nel rapporto con i paesi del sud del mondo che, purtroppo, abbiamo compreso solo più tardi, con gli eventi drammatici avvenuti l'11 settembre. Era comunque già presente, evidentemente, in quella Conferenza una

stabiliscono tra sionismo e razzismo o tratta e razzismo, non si sia considerato il gravissimo ruolo storico svolto dagli arabi proprio in relazione al fenomeno della tratta. In un interessantissimo capitolo del suo libro, *Histoire de l'Afrique noire*, un grande storico ha messo a fuoco la gravità ed il peso del fenomeno della tratta nei meccanismi di impedimento allo sviluppo economico dell'Africa, sottolineando in particolare il ruolo, fondamentale e colpevole, della componente araba. Le responsabilità riguardo fenomeni orribili — che devono essere rigettati e dei quali, in parte, si sentono ancora le conseguenze — possono essere ben distribuite. Vorrei dunque sapere se qualcuno abbia accennato alle responsabilità degli arabi riguardo questo problema, che bisogna affrontare laicamente, interrogandoci sul motivo per cui non se ne parla, che riguarda l'islamizzazione dell'Africa, che tende a trovare assonanze laddove non ci dovrebbero essere.

Inoltre desidero chiedere al sottosegretario se, nella sede della Conferenza, si sia discusso del genocidio del Ruanda, e chi ne ha parlato.

Vorrei infine una spiegazione su quanto riportato dal presidente Trantino riguardo al ruolo che avrebbe svolto il presidente ugandese, che mi è sfuggito completamente, ma che vorrei conoscere perché si tratta di un personaggio estremamente interessante ed importante per lo sviluppo dell'Africa.

GIAN PAOLO LANDI di CHIAVENNA.
Nel corso di un'audizione del ministro Ruggiero, prima della Conferenza di Durban, avevamo espresso alcune preoccupazioni in ordine al clima (alcune notizie provenivano dai giornali, ma non solo) che si stava creando intorno alla Conferenza stessa; in particolare, esse riguardavano una politicizzazione mirata ad enfatizzare alcuni aspetti e soprattutto quello che ha determinato il rifiuto del capo della diplomazia americana Colin Powell di recarsi alla Conferenza: mi riferisco all'equazione tra sionismo e razzismo. Ho espresso personalmente queste preoccupa-

zioni in sede di Commissione e credo che esse abbiano avuto conferma durante la sessione di Durban, almeno fino a quando l'Unione europea e l'Italia non abbiano ritenuto di svolgere un ruolo (ovviamente assieme ad altre nazioni, che sono state ricordate molto bene sia dal sottosegretario sia dall'onorevole Trantino) per pervenire alla stesura di due documenti che esprimessero una posizione, se non totalmente condivisa e condivisibile, quanto meno di mediazione, per evitare una dichiarazione di totale fallimento.

Queste mie preoccupazioni non sono state totalmente fugate, per le ragioni che hanno ricordato gli stessi colleghi e da ultima l'onorevole Paoletti Tangheroni: sono moltissimi i problemi che assillano il mondo in ordine a fenomeni di razzismo e discriminazione che colpiscono popoli inermi (alcuni casi sono stati citati molto correttamente dall'onorevole Paoletti Tangheroni, ma se ne potrebbero aggiungere altri).

Le perplessità sulle quali vorrei portare la sua e la nostra riflessione riguardano proprio ciò: la parzialità dei risultati ai quali è pervenuta la conferenza di Durban. Onorevole sottosegretario, al di là del lodevole impegno che la delegazione parlamentare presieduta da lei, e precedentemente dal ministro Ruggiero, ha profuso per cercare di rendere più equilibrato il processo di enfaticizzazione di tale equazione, della politicizzazione estremistica, la sensazione che avverto — mi riservo di modificare la mia valutazione dopo aver letto, come è stato richiesto dalla collega Baldi, il documento o i documenti che sono stati elaborati — è che forse oggi, dopo l'11 settembre, si sarebbero probabilmente raggiunti risultati diversi in quanto vi è una maggiore sensibilità e si è preso coscienza che anche le parole hanno un peso e che esso può essere più grande di quello delle bombe e delle armi. Voglio, però, ribadire — non solo a titolo personale, ma anche a nome di Alleanza nazionale — che avremmo ritenuto utile e importante che la Conferenza di Durban potesse mettere a nudo moltissimi altri aspetti di discriminazione e di razzismo

catena mercantile è più lunga: i primi responsabili della tratta degli schiavi sono i re africani che vendevano gli uomini agli arabi, i quali li rivendevano agli spagnoli e agli inglesi. Ciò è noto in tutto il mondo: i venditori iniziali erano i re africani, quindi i neri, l'oggetto dello schiavismo e poi della discriminazione. Lungo tale catena mercantile si può risalire molto più in su: con riferimento al sionismo e all'antisemitismo, i responsabili della diaspóra degli ebrei nel mondo siamo noi. Infatti l'imperatore Tito, con la distruzione del Tempio, ha provocato la dispersione degli ebrei in tutto il mondo. Tanto ciò è vero che - illustro una curiosità soltanto per aggiungere alla discussione un elemento di colore - negli anni 80 d.C. un poeta sibillista cristiano scrisse un poema contro l'Italia affermando che per tale azione omicida - vi era stata anche la repressione degli Zeloti - essa sarebbe stata sommersa da zolfo, fuoco, pece, catrame e asfalto, che già allora vi era in abbondanza in quella regione. Vedete che la catena non finisce; ma è molto interessante stabilire che al principio di tale catena mercantile vi erano proprio gli africani, poi gli arabi, gli spagnoli e gli inglesi e il porto di arrivo era per lo più l'America, che ha usufruito dello schiavismo fino alla metà del secolo scorso (è stata necessaria una guerra civile per far cessare lo sfruttamento degli schiavi). Le responsabilità quindi sono enormi, coinvolgono praticamente tutti paesi del mondo e rappresentano la manifestazione di una tendenza, purtroppo insita negli uomini, a sfruttare gli altri uomini.

Detto ciò, la relazione sulla Conferenza di Durban dovrebbe aiutarci a capire cosa sta succedendo nel mondo, dato che si è trattato di una premonizione sinistra di ciò che sarebbe poi avvenuto sul terreno degli atti terroristici. Bisogna smettere di svolgere analisi sociologiche che contemplano solo la fame nel mondo: vi sono altri fenomeni, per esempio, l'orgoglio ferito, i sentimenti nazionali mortificati, le civiltà che si sentono disprezzate. Tali aspetti, giocando di conserva con la fame, la miseria, la ripartizione ineguale dei beni, i

prezzi delle materie prime fissati in termini irragionevoli rispetto ai manufatti, creano un composto che è difficilmente analizzabile se si tiene conto soltanto del criterio grossolano della fame: se si trattasse solo della povertà, la ribellione dovrebbe venire dall'Africa, mentre invece proviene dai paesi del Medio Oriente. Ciò significa che sono in gioco altri elementi.

Occorre allora ricostruire cosa è accaduto in questi cinquant'anni nei paesi del Medio Oriente e non bisogna dimenticare che tali paesi hanno tentato di attuare delle rivoluzioni laiche, da Mossadek in poi, che sono fallite anche per ragioni endogene, ma sono state regolarmente stroncate da interessi clamorosi. Mossadek non è caduto per motivi misteriosi: conosciamo benissimo le ragioni. Tra la caduta di Mossadek e l'ascesa di Khomeini vi è un evidente rapporto di causa-effetto. I partiti *Baath* in Siria, Kassem in Irak, Nasser, la questione palestinese, la fame, la povertà, i talebani, Bin Laden: tutto ciò ha creato un composto esplosivo al quale si è dato fuoco. Vogliamo affrontare tale problema? Bisogna considerare la divisione che si è manifestata a Durban tra i paesi del terzo mondo - alcuni dei quali non hanno niente a che vedere con il Medio Oriente (l'America latina, eccetera) - e il mondo occidentale come qualcosa che dovrebbe farci riflettere e sfruttare tutte le possibilità per evitare che si giunga ad uno scontro di civiltà, di continenti, o tra occidente e tutto del resto del mondo: ciò sarebbe catastrofico. Vogliamo prendere anche da questa Conferenza uno spunto per evitare che quello che sta succedendo in Afghanistan si trasformi in una guerra di civiltà? Mi sembra che ciò sia opportuno, dato che tra la conferenza di Durban e le due torri di Manhattan vi è un rapporto credo visibile. Per esempio, in Palestina sta accadendo che, dopo la lite tra Bush e Sharon, Arafat si è infilato nel varco, ha arrestato cinque terroristi e la polizia il giorno dopo ne ha uccisi tre (reprimendo giustamente una manifestazione). Nello stesso giorno, però, nel quale Arafat arrestava i cinque terroristi di *Hamas*, Sharon aumentava gli insediamenti

le » e non « proficuo » perché quest'ultima parola, riferita a Durban, sarebbe, forse, usata impropriamente.

Credo che la mia relazione e, soprattutto, quanto da me ascoltato questo pomeriggio non lascino dubbi sul fatto che la Conferenza sia stata salvata proprio per lo straordinario senso di responsabilità di alcune delegazioni tra le quali, appunto, quella dell'Unione europea, che ha poi contribuito alla redazione del documento finale. Circa la documentazione, della quale alcuni deputati hanno giustamente rilevato la mancanza, devo dire che non si è ancora fornito alle delegazioni nazionali, presumibilmente a causa di quanto avvenuto a New York l'11 settembre - due giorni dopo il termine dei lavori della Conferenza di Durban - il materiale completo. Ciò, ci è stato detto, è dipeso, prima di tutto, dal fatto che il materiale, come ben potete immaginare, è estremamente voluminoso, addirittura gigantesco, costituendo il risultato di quattro conferenze regionali e di tutto il dibattito svoltosi in una settimana (anzi, in otto giorni) a Durban. Ad ogni modo, si può trovare in Internet il testo della risoluzione finale mentre, invece, tutto il resto non è ancora disponibile perché si sta rivedendo complessivamente il materiale, anche per i numerosi refusi ed errori materiali contenuti nella documentazione. Questa, comunque, verrà, mi auguro al più presto, distribuita alle delegazioni; naturalmente, il Governo invierà immediatamente alle Camere tutta la documentazione necessaria.

Sul vertice FAO concordo pienamente con le considerazioni che sono state svolte. Anche per analogia con il ruolo avuto dalla signora Zuma, presidente della Conferenza e ministro degli esteri in Sudafrica, penso che, avendo l'importantissima agenzia sede a Roma, il ruolo italiano nel vertice FAO - il ruolo non soltanto governativo ma anche delle organizzazioni non governative - possa risultare più visibile, forse, di quanto in generale non lo sia normalmente quello di un Governo nazionale, soprattutto nell'ambito così complesso di una Conferenza mondiale sul

tema attualissimo (e sicuramente non risolto) della povertà e della fame nel mondo.

Quanto ai quesiti sollevati dall'onorevole Baldi, ho già risposto circa i documenti; riguardo invece alla mia recente missione in Pakistan, sarò felice di poter rispondere a qualsiasi quesito in una futura riunione. Anzi, se il presidente vuole, anche a margine dell'odierna discussione posso riferire in modo succinto circa gli obiettivi della visita ed anche sui traguardi che in qualche modo cerchiamo di raggiungere.

SAVERIO VERTONE. Ma non sarebbe bene dedicare una seduta della Commissione a tale argomento?

PRESIDENTE. Lo valuteremo in sede di ufficio di presidenza, onorevole Vertone. Prego l'onorevole sottosegretario di completare la sua esposizione.

MARGHERITA BONIVER, *Sottosegretario di Stato per gli affari esteri*. Comunque, resto a disposizione della Commissione in qualsiasi momento.

L'onorevole Cima ha posto una questione circa le deleghe; a tale riguardo, posso dire soltanto che, per quanto riguarda i sottosegretari del Ministero degli affari esteri, noi abbiamo ricevuto, già tre o quattro mesi fa, alcuni incarichi in modo informale dal ministro Ruggiero secondo una divisione di compiti per aree geografiche e per aree tematiche. Per quanto mi riguarda, mi è stata affidata un'area geografica di straordinario interesse in questo momento: Asia, Estremo Oriente, Repubbliche transcaucasiche, Australia, Oceania ed Antartide. Inoltre, da un punto di vista tematico, ho ricevuto una delega, che mi sta moltissimo cuore, sulla questione dei diritti umani.

All'interno di queste deleghe geografiche esiste una divisione sulla cooperazione e sull'aspetto culturale della nostra azione di politica estera suddivisa regionalmente. Esse non sono state ancora formalizzate dal Consiglio dei ministri, ma continuo a leggere sulla stampa che ciò dovrebbe

fine è purtroppo deflagrato con gli attentati dell'11 settembre a New York ed a Washington.

Condivido molte considerazioni dell'onorevole Vertone sulla situazione sviluppata durante lo svolgimento della Conferenza di Durban. Ricordo che lì ho provato la sensazione quasi « fisica » che si fosse aperto (anche per colpa di noi occidentali e in particolare sul piano della comunicazione) una sorta di abisso di incomprensione fra gli Stati Uniti e l'occidente, definiti « il grande Satana », ed il resto del mondo (ricordo che per « piccolo Satana » si intende lo Stato di Israele). Soprattutto dopo gli attentati terroristici dell'11 settembre, mi è venuto in mente che a Durban, spesso da parte delle ONG (non quelle italiane però), c'era stata una parvente prova generale, sebbene solo a livello culturale e del linguaggio, di violenza dai toni assolutamente incredibili.

Forse, se non ci fossero stati gli orribili eventi dell'11 settembre negli Stati Uniti, avremmo dovuto immediatamente soffermarci sull'abisso, soprattutto culturale, che ci divide, generato da disinformazione e da frustrazioni evidentemente avvertite da alcune nazioni e da alcuni Governi, che sono foriere non soltanto di incomprensioni, ma soprattutto di una grandissima

difficoltà nel portare avanti quell'azione comune che si è invece delineata attraverso la quasi planetaria alleanza nella lotta contro il terrorismo, che sarebbe stata comunque necessaria, al di là degli eventi sanguinosi di cui ancora portiamo collettivamente il lutto.

Mi auguro di essere stata in grado di rispondere ai vostri quesiti; ribadisco che se la Commissione deciderà di effettuare un'audizione specifica sulla mia missione in Pakistan sarò felice di venire a rispondere alle domande dei commissari.

PRESIDENTE. Intanto la ringraziamo, sottosegretario Boniver. Credo che tutti i colleghi abbiano apprezzato il suo esauriente intervento sia durante la fase espositiva sia in sede di replica.

Dichiaro chiusa l'audizione.

La seduta termina alle 16.

*IL CONSIGLIERE CAPO DEL SERVIZIO RESOCONTI
ESTENSORE DEL PROCESSO VERBALE*

DOTT. VINCENZO ARISTA

*Licenziato per la stampa
il 7 novembre 2001.*

STABILIMENTI TIPOGRAFICI CARLO COLOMBO

RESOCONTO

SOMMARIO E STENOGRAFICO

98.

SEDUTA DI GIOVEDÌ 4 DICEMBRE 2008

PRESIDENZA DEL VICEPRESIDENTE **MAURIZIO LUPI**

INDI

DEL VICEPRESIDENTE **ROCCO BUTTIGLIONE**

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Prendo atto che i deputati Consiglio e Taddei hanno segnalato che non sono riusciti ad esprimere voto favorevole.

Discussione delle mozioni Nirenstein ed altri n. 1-00055 ed Evangelisti ed altri n. 1-00072 sulle iniziative in vista della preparazione della Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, che si svolgerà a Ginevra nel mese di aprile 2009 (ore 14,40).

PRESIDENTE. L'ordine del giorno reca la discussione delle mozioni Nirenstein ed altri n. 1-00055 ed Evangelisti ed altri n. 1-00072 sulle iniziative in vista della preparazione della Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, che si svolgerà a Ginevra nel mese di aprile 2009 (vedi l'allegato A — Mozioni).

Avverto che lo schema recante la ripartizione dei tempi riservati alla discussione delle mozioni è pubblicato in calce al vigente calendario dei lavori dell'Assemblea (vedi calendario).

Avverto che in data odierna è stata altresì presentata la mozione Casini ed altri n. 1-00074 (vedi l'allegato A — Mozioni) che, vertendo su materia analoga a quella trattata dalle mozioni all'ordine del giorno, verrà svolta congiuntamente. Il relativo testo è in distribuzione.

(Discussione sulle linee generali)

PRESIDENTE. Dichiaro aperta la discussione sulle linee generali delle mozioni.

È iscritto a parlare l'onorevole Evangelisti, che illustrerà anche la sua mozione n. 1-00072. Ne ha facoltà.

FABIO EVANGELISTI. Signor Presidente, intervengo brevemente, innanzitutto per esprimere un compiacimento nei confronti della collega Nirenstein (che ha richiamato l'attenzione dell'Aula di Montecitorio su questa importante scadenza

dell'aprile prossimo) e, in secondo luogo, per affermare che, in buona sostanza, abbiamo apprezzato e condiviso il senso della mozione Nirenstein n. 1-00055, che mette in evidenza il rischio che anche il prossimo appuntamento di una Conferenza organizzata dall'ONU, dopo quella di Durban del 2001, possa evidenziare un tentativo di messa in discussione del carattere democratico di Israele e, quindi, il rischio di una deriva antiisraeliana.

Tuttavia, siccome è sempre opportuno, in questi casi, mettere in campo un grande sforzo diplomatico, abbiamo presentato una mozione che si differenzia, almeno nella parte conclusiva, da quella della collega Nirenstein, perché abbiamo avuto la sensazione che tale mozione avesse un carattere quanto meno sbilanciato rispetto alle tradizionali posizioni di politica estera del nostro Paese. Nella mozione Nirenstein ed altri n. 1-00055, infatti, si fa riferimento soltanto alle preoccupazioni di Israele (che, ripeto, sono fondate), mentre, ad esempio, non si fa riferimento alle preoccupazioni dei palestinesi che hanno partecipato alle Conferenze di Durban e saranno presenti anche a Ginevra. Ci si preoccupa molto e giustamente dei rischi dell'antisemitismo, ma non si fa riferimento ai fenomeni di islamofobia e di arabofobia.

Cito dal *Corriere della sera* del 9 settembre 2001, ossia di due giorni prima dell'attentato alle Torri gemelle (si tratta del *Corriere della sera*, non di un giornale estremista): « Il compromesso di Durban delude gli arabi ». Tra le altre questioni, vi era una sottovalutazione della realtà palestinese e, quindi, della complessità della questione mediorientale.

Per questo motivo, come gruppo Italia dei Valori, facciamo nostre le preoccupazioni dei firmatari della mozione Nirenstein, ma, con premesse leggermente diverse, chiediamo di impegnare la partecipazione italiana alla prossima Conferenza all'effettivo indirizzo dei lavori preparatori verso la buona riuscita della stessa e a far sì che la medesima Conferenza sia finalizzata alla promozione della convivenza pacifica tra i popoli e, in particolare

nell'area mediorientale, anche al rilancio del processo di pace tra israeliani e palestinesi.

Ci facciamo carico di questo aspetto perché ieri, in quest'Aula, il Ministro Maroni ha reso un'informativa sul pericolo del terrorismo. Abbiamo espresso un apprezzamento per ogni iniziativa di lotta e di contrasto al fenomeno e ci compiacciamo per l'arresto dei due fondamentalisti, avvenuto nei giorni scorsi a Milano, ma abbiamo posto e poniamo ancora oggi un quesito di fondo: come si risponde al terrorismo, non in Brianza, ma in Italia e nel mondo? Si può pensare che soltanto la cattura di una piccola cellula di disperati a Milano possa aver risolto il fenomeno?

Cito da *Famiglia Cristiana* di questa settimana l'editoriale di Beppe Del Colle, che si chiede, appunto, come si possa parlare di guerra al terrore, quando c'è questo elemento dell'asimmetria. Dalla Palestina alle Filippine l'estremismo islamico si nutre non solo della lettura fondamentalista del Corano, ma anche delle condizioni di vita, delle divisioni sociali e delle umiliazioni subite da molti popoli con la colonizzazione da parte dell'occidente. In più, giocano gli intricati grovigli di interessi internazionali sulle fonti energetiche (petrolio, gas e nucleare). Ecco perché è difficile vincere le guerre al terrore. Siccome siamo contro la guerra e per la risoluzione pacifica dei conflitti e delle tensioni regionali e non solo, proponiamo questa nostra mozione, che, a differenza dell'altra, ha la capacità di essere più equilibrata (*Applausi dei deputati del gruppo Italia dei Valori*).

PRESIDENTE. Non vi sono altri iscritti a parlare e pertanto dichiaro chiusa la discussione sulle linee generali delle mozioni.

(Intervento e parere del Governo)

PRESIDENTE. Ha facoltà di parlare il sottosegretario di Stato per gli affari esteri, Enzo Scotti, che esprimerà altresì il parere sulle mozioni all'ordine del giorno.

ENZO SCOTTI, *Sottosegretario di Stato per gli affari esteri*. Signor Presidente, mi riservo di intervenire nel prosieguo del dibattito.

Chiedo ad ogni modo che la Presidenza autorizzi la pubblicazione in calce al resoconto della seduta odierna del testo integrale del mio intervento.

PRESIDENTE. Sottosegretario Scotti, la Presidenza lo consente, sulla base dei criteri costantemente seguiti. La invito ad esprimere il parere del Governo sulle mozioni.

ENZO SCOTTI, *Sottosegretario di Stato per gli affari esteri*.

Signor Presidente, il Governo esprime parere favorevole sulla mozione Nirenstein ed altri n. 1-00055, mentre sulla mozione Evangelisti ed altri n. 1-00072 esprime parere favorevole a condizione che sia accettata la seguente riformulazione: nell'ultimo capoverso del dispositivo, sostituire la parola: «vincolare», con la seguente: «impegnare», e sopprimere le parole comprese da: « , attraverso » fino alla fine.

Sulla mozione Casini ed altri n. 1-00074 il Governo esprime parere favorevole a condizione che sia accettata la seguente riformulazione: al secondo capoverso del dispositivo sostituire le parole: «delle stragi di cristiani in India e Pakistan» con le seguenti: «di tutte le forme di discriminazione basate sulla religione e delle violenze commesse contro le minoranze cristiane nel mondo».

Il Governo esprime parere contrario sul terzo capoverso del dispositivo, perché la realizzazione di una mappa dettagliata prima dell'inizio della Conferenza ci sembra una richiesta eccessiva, a meno che, in via subordinata, i proponenti non accettino una riformulazione che preveda che, nei seguiti della Conferenza, si definisca la redazione di una mappa dettagliata.

Il Governo, infine, propone la seguente riformulazione del quarto capoverso del dispositivo: «ad esercitare, assieme ai partners europei, la massima vigilanza e agire concretamente affinché la Conferenza sia

effettivamente volta a promuovere la lotta contro il razzismo e contro le discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, Stati o minoranze etniche e religiose».

(Dichiarazioni di voto)

PRESIDENTE. Passiamo alle dichiarazioni di voto.

Ha chiesto di parlare per dichiarazione di voto l'onorevole Mecacci. Ne ha facoltà.

MATTEO MECACCI. Signor Presidente, onorevoli colleghi, credo che questo sia un dibattito importante. So che avviene in finale di seduta e, quindi, sarò il più breve possibile. Tuttavia, occuparsi di diritti umani è questione pienamente politica, da non riservare agli esperti. Ringrazio i presidenti di gruppo per aver inserito questo tema di discussione, che noi radicali abbiamo seguito per molti anni alle Nazioni Unite, in particolare a New York e a Ginevra, dove le Nazioni Unite hanno molte volte mostrato di non saper adempiere a quello che è uno dei documenti istitutivi di questa istituzione, cioè la Dichiarazione universale dei diritti dell'uomo. La Conferenza mondiale contro il razzismo di cui ci occupiamo oggi si inserisce proprio nel quadro dei fallimenti delle Nazioni Unite nel rispettare questo documento fondamentale.

Sappiamo che tra pochi giorni sarà il sessantesimo anniversario dell'adozione di questa Dichiarazione e credo che occorra rinnovare l'impegno del Parlamento e del Governo italiano affinché la sua applicazione sia davvero universale.

La discriminazione della quale è stato oggetto, nel corso dei decenni, lo Stato di Israele all'interno delle Nazioni Unite è un esempio di questa violazione e del mancato rispetto della Dichiarazione universale dei diritti dell'uomo.

Noi radicali non condoniamo le violazioni dei diritti umani, quale che sia lo Stato che le compie, e non facciamo fatica a riconoscere che anche nei territori oc-

cupati ci sia un problema di rispetto dei diritti umani che riguarda lo Stato di Israele, ma qui si parla di qualcosa di diverso.

Si parla di una Conferenza mondiale contro il razzismo che rischia di risolversi, ancora una volta, in un attacco deliberato al sionismo, allo Stato di Israele e con il tentativo di identificare l'unica democrazia del Medio Oriente come un'entità razzista, che, per questo, deve essere eliminata.

Diciamo, quindi, un chiaro «no» ai tentativi fatti da alcuni Paesi autoritari, che sfruttano la sofferenza del popolo palestinese per nascondere meglio le proprie violazioni dei diritti umani e i propri crimini. Voglio ricordare a quest'Aula e anche al Governo che il Paese che adesso guida questo comitato preparatorio è la Libia di Gheddafi, che è stata presidente della commissione dei diritti umani che ha portato al fallimento di questa istituzione modificata alcuni anni fa.

Si tratta della Libia di Gheddafi con la quale il Governo attuale ha stipulato, primo Governo occidentale, un trattato di amicizia e partenariato, che quest'Aula si troverà a dover ratificare nei prossimi mesi e che, credo, debba essere oggetto di attenzione, perché stipulare un trattato di amicizia con la Libia, che in sede di Nazioni Unite, su tante questioni relative ai diritti umani, sta dalla parte opposta dei Paesi democratici, è una responsabilità che il Governo si è assunto e che credo debba essere oggetto di attento scrutinio.

Non si può essere al tempo stesso amici di Israele e amici della Libia allo stesso modo. Credo, quindi, che su questo dovremo tornare.

Nel contempo, credo anche che l'isolamento di cui è vittima lo Stato di Israele all'interno delle Nazioni Unite possa essere affrontato se i Paesi europei, le nostre classi dirigenti e quella israeliana capiranno che solo aprendo anche un processo di adesione politica di Israele all'Unione europea se ne può rafforzare non solo la potenza e le ambizioni dal punto di vista economico, ma anche la forza dal punto di vista istituzionale e politico.

Il nostro, quindi, è un « sì », in particolare alla mozione presentata dalla collega Nirenstein, ma è anche un « sì » alla speranza che si apra una nuova stagione politica, federalista e democratica per l'Europa, per Israele e, speriamo, per tutta la regione del Medio Oriente.

PRESIDENTE. Ha chiesto di parlare per dichiarazione di voto l'onorevole Evangelisti. Ne ha facoltà.

FABIO EVANGELISTI. Signor Presidente, rinuncio ad intervenire.

PRESIDENTE. Ha chiesto di parlare per dichiarazione di voto l'onorevole Polledri. Ne ha facoltà.

MASSIMO POLLEDRI. Signor Presidente, consegnerò l'intervento, ma una parola credo che vada detta.

PRESIDENTE. Onorevole Polledri, ha spento gli entusiasmi!

MASSIMO POLLEDRI. La Lega sa bene che il razzismo può essere usato come una clava politica e, in qualche modo, può essere usata, di solito, per dare contro ad alcuni Stati, come Israele o come l'Occidente.

La preoccupazione, come diceva anche il collega, è costituita dal fatto che la Conferenza viene preparata da un comitato organizzatore composto da Paesi estremamente democratici e attenti ai diritti umani, come Libia, Iran, Pakistan e Cuba come vicepresidenti.

Già sappiamo che le tesi dominanti delle ottantotto pagine sono, di fatto, un atto d'accusa nei confronti dei seguenti Paesi, come risulta dalla seguente citazione: Stati Uniti, Europa occidentale, Israele e le altre democrazie liberali sono singolarmente razziste e ancora più discriminatorie verso l'Islam. La libertà di espressione, la ricchezza, la globalizzazione, le misure di sicurezza per combattere il terrorismo, anche occidentale, sono indicate come causa di razzismo.

Bene, in questa civiltà occidentale noi ci riconosciamo; è una civiltà di pace. Sono soggetti che hanno portato, di fatto, un benessere. Siamo preoccupati per una deriva, invece, che si è di fatto usata contro Israele e contro l'Occidente.

Per questo, signor Presidente, noi voteremo a favore della mozione Nirenstein ed altri n. 1-00055, che sarà firmata dall'onorevole Pini e dal sottoscritto, e voteremo a favore anche della mozione Casini ed altri n. 1-00074, perché siamo fermamente preoccupati di quanto sta accadendo nei confronti della popolazione cristiana. Pensiamo che sia da tempo in atto un genocidio, che non solo ci indigna ma che ci muove a decidere come occidentali. Abbiamo ben presente l'ultima immagine, in alcuni Paesi che criticano Israele, delle impiccagioni delle coppie omosessuali che arrivano in Iran e delle uccisioni delle cosiddette fedifraghe. Per questo, signor Presidente, noi voteremo a favore di tali mozioni (*Applausi dei deputati dei gruppi Lega Nord Padania e Popolo della Libertà*).

Signor Presidente, chiedo che la Presidenza autorizzi la pubblicazione in calce al resoconto della seduta odierna del testo integrale della mia dichiarazione di voto.

PRESIDENTE. Onorevole Polledri, la Presidenza lo consente, sulla base dei criteri costantemente seguiti.

Ha chiesto di parlare per dichiarazione di voto l'onorevole Fiano. Ne ha facoltà.

EMANUELE FIANO. Signor Presidente, la mozione in esame vuole spingere il Governo ad agire affinché nella prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza si scongiuri il rischio di una sede unicamente orientata ad attaccare e delegittimare lo Stato di Israele. Certo, come hanno già detto i miei colleghi non fa affatto una buona impressione sapere che l'Iran, Stato il cui leader da anni proclama l'obiettivo di cancellare lo Stato di Israele dalla cartina geografica e nega l'esistenza della Shoah, sieda nel comitato preparatorio: perché è già successo nella scorsa edizione che coloro i quali distri-

buviano alla Conferenza di Durban i Protocolli dei Savi di Sion, emblema culturale della storia dell'antisemitismo europeo, si ergessero poi a tribunale di giudizio dello Stato di Israele, e che gli Stati nei quali non esisteva e non esiste il diritto costituzionale al pluralismo politico o religioso o culturale o di genere si trasformassero nei peggiori accusatori dello Stato di Israele. Altri Stati si sono già mossi — pochi, per la verità — nella direzione che propone la mozione in esame, nella direzione di un eventuale disimpegno dalla conferenza, se questa dovesse avere i caratteri che ha avuto nella sua scorsa edizione: penso ai passi del Canada, a quelli degli Stati Uniti, al pronunciamento della Francia, che è citato anche nella mozione.

Voglio dire, lo dico anche in particolare all'onorevole Evangelisti, che è evidente che ogni scelta del Governo di Israele può essere criticata da chiunque in qualunque parte del mondo, ogni scelta politica di quel Governo, come ogni scelta politica di qualsiasi Paese del mondo (per esempio citava prima il tema dei diritti umani l'onorevole Mecacci); ma è altrettanto evidente che chi in una Conferenza, prima di criticare lo Stato di Israele, distribuisce i documenti emblematici dell'antisemitismo europeo non vuole criticare le scelte di un Governo, vuole negare il diritto all'esistenza dello Stato di Israele; e ciò è inammissibile. È inammissibile che questo possa avvenire in una Conferenza internazionale sotto l'egida dell'ONU. Ed è per questo che noi vogliamo che il Governo italiano si faccia parte proponente di una modifica dell'orientamento che questa conferenza potrebbe avere. Noi chiediamo quindi al Governo italiano che si muova insieme agli altri partner europei, agli altri Paesi del mondo che lo vorranno, per scongiurare questo pericolo e confermare il carattere della Conferenza come luogo di promozione della lotta contro ogni forma di discriminazione in qualsiasi Paese del mondo, ogni forma di razzismo e di intolleranza, e non come luogo e strumento di delegittimazione di uno Stato o di incitamento all'odio contro un popolo

(Applausi dei deputati del gruppo Partito Democratico e di deputati del gruppo Popolo della Libertà).

PRESIDENTE. Ha chiesto di parlare per dichiarazione di voto l'onorevole Nirenstein. Ne ha facoltà.

FIAMMA NIRENSTEIN. Signor Presidente, onorevoli colleghi, consegnerò anche io il testo del mio intervento, ma lasciatemi svolgere solo per un minuto alcune considerazioni.

Non sottovalutiamo l'importanza di quello che stiamo facendo adesso, perché siamo stati a Durban.

Siamo stati a Durban e abbiamo visto, giorno dopo giorno, consegnare a tutti i delegati (e si trattava di una conferenza dell'ONU) i Protocolli dei Savi di Sion; abbiamo visto i delegati ebrei con la *kip-pah* inseguiti per le strade; abbiamo visto gli ebrei cacciati via dalle riunioni; abbiamo visto gli americani assistere impotenti al fatto che si bruciavano le loro bandiere e abbiamo visto, nei cortei che si svolgevano, portare in effigie l'immagine di Bin Laden. Abbiamo altresì visto dei valorosi colleghi (come la collega Margherita Boniver, che pure si trovava lì) combattere per togliere le definizioni di Israele come « Stato di *apartheid* » e dell'America come unico responsabile del razzismo internazionale (quando sappiamo che la schiavitù e il razzismo sono multipolari e rappresentano, purtroppo, una presenza perenne nella storia dell'umanità) dal documento finale, di cui il collega Evangelisti ora diceva che i palestinesi si lamentano: forse se ne lamentano per questo, perché è stata tolta quella dichiarazione!

Pensate a quanto sia importante la seguente circostanza: una delle pochissime cose che il Presidente Obama ha fatto dichiarare dai suoi è che probabilmente non andranno a quella Conferenza e che stanno monitorando cosa sta succedendo, dal momento che l'Iran e la Libia stanno preparando documenti identici a quelli che erano stati preparati alla Conferenza che adesso vi ho descritto.

Vi è quindi il pericolo gravissimo che l'ONU possa essere di nuovo disonorato e

che quella che è la massima istanza di rappresentazione del consesso internazionale sia di nuovo disonorata da un atteggiamento razzista, antisemita, antiamericano ed antioccidentale che quindi riguarda tutti noi.

Siamo il primo Parlamento italiano ad impegnare il suo Governo affinché questo non accada. Dobbiamo essere molto fieri di questo, e con ciò ho detto le cose fondamentali (*Applausi dei deputati dei gruppi Popolo della Libertà, Lega Nord Padania e Misto-Movimento per l'Autonomia*)!

Signor Presidente, chiedo che la Presidenza autorizzi la pubblicazione in calce al resoconto della seduta odierna del testo integrale della mia dichiarazione di voto.

PRESIDENTE. Onorevole Nirenstein, la Presidenza lo consente sulla base dei criteri costantemente seguiti.

Ha chiesto di parlare per dichiarazione di voto l'onorevole Buttiglione. Ne ha facoltà.

ROCCO BUTTIGLIONE. Signor Presidente, non rinuncio a parlare perché non vorrei che passasse il fatto che si sta discutendo di tale questione quando tutti sono stanchi, a fine seduta e come una formalità (*Commenti di deputati del gruppo Popolo della Libertà*): non si tratta di una formalità, ma di un atto politico di straordinaria importanza.

Non vogliamo andare ad una Conferenza in cui i dirigenti di Paesi, i quali prima di tutto sono assassini dei loro popoli (e non, onorevole Nirenstein, prima di tutto assassini degli ebrei), e che usano l'odio antiebraico come uno strumento per legittimare la repressione sotto la quale tengono i loro popoli, vengano a fare a noi lezioni sui diritti umani a spese dello Stato di Israele e a spese degli ebrei di tutto il mondo!

Questo non è accettabile e dobbiamo dirlo con chiarezza: si è determinata nelle Nazioni Unite una situazione del tutto inaccettabile, all'interno della quale chi a casa sua non rispetta i diritti umani in modo plateale, volgare ed ostentato poi va

a fare lezione a chi almeno ci prova a rispettarli (con limiti, con difetti e con tutto ciò che volete).

Dobbiamo dire un « no » chiaro all'idea che possiamo andare a prendere da costoro lezioni sui diritti umani, perché i diritti umani sono diventati qualcosa che non ha più alcun senso e vengono strumentalizzati politicamente contro quello che, di volta in volta, è diventato il tuo bersaglio.

Dobbiamo dire una parola chiara anche sul sionismo: gli ebrei andarono in Palestina a comprare le terre e poi a redimerle con il loro sudore; nel 1948 la spartizione della Palestina fu rifiutata non dagli ebrei, ma dagli arabi, e le guerre successive sono state pensate come guerre di sterminio contro lo Stato di Israele.

Non condivido tutte le cose che lo Stato di Israele ha fatto (molte, a mio giudizio, sono sbagliate), ma in una cosa lo Stato di Israele non ha torto: ha paura — e ha ragione di avere paura — perché esiste una forte corrente del mondo arabo che vuole portare a termine quello che Hitler ha lasciato incompiuto.

Allora o noi gli mostriamo una solidarietà vera ed efficace contro questo pericolo reale, oppure non abbiamo titolo morale per andargli a dire che sbaglia (come talvolta può accadere che sbagli).

Vorrei dire agli amici dell'Italia dei Valori: non dimentichiamo le sofferenze del popolo palestinese, ma le sofferenze del popolo palestinese sono lo scudo di cui i regimi dittatoriali autoritari ed assassini si servono per eccitare l'odio contro Israele e negare ai loro popoli libertà fondamentali.

Immaginate che cosa sarebbe stato dell'Italia se noi avessimo tenuto 300 mila profughi giuliani al confine, dicendogli che un giorno sarebbero tornati, e che sarebbe venuto il giorno della rivincita contro la Jugoslavia. Avremmo avuto lo sviluppo, la libertà, tutto quello che abbiamo avuto? Non lo avremmo avuto; bisogna dire queste cose con chiarezza. È bene ricordare in questa occasione anche i cristiani che oggi sono perseguitati. Tante volte i cristiani hanno perseguitato gli ebrei e credo che

sia un onore poter dire che oggi siamo perseguitati insieme con gli ebrei dalle stesse realtà e per gli stessi motivi (*Applausi dei deputati dei gruppi Unione di Centro, Popolo della Libertà e Lega Nord Padania*). Chiediamo, allora, che il Governo abbia un atteggiamento limpido e forte e che inserisca il tema della difesa dei cristiani in quegli stessi Paesi — non sempre, ma per lo più negli stessi Paesi — e per le stesse ragioni. Chiediamo anche che si eviti che la Conferenza venga strumentalizzata per finalità che non le appartengono, per finalità di condanna politica dello Stato di Israele, equiparando il Sionismo al razzismo. Il Sionismo è stato una delle forme di nazionalismo europeo con cui si è perseguito il desiderio umano di avere una terra nella quale potersi sentire a casa propria. Possiamo dire che non avevano ragione di chiederlo? Ricordate quello che era successo negli anni precedenti? Era un'aspirazione perfettamente legittima e comprensibile, perseguita originariamente con mezzi pacifici. Che non avvenga ciò e che nemmeno si usi la Conferenza per legittimare presunti diritti che poi vanno ad attaccare la famiglia, così come definita dalla Costituzione italiana, come è successo ad opera della burocrazia di Bruxelles, senza nessun controllo politico, senza che i Governi ne avessero conoscenza, senza che il Parlamento italiano fosse informato e potesse esprimere una sua indicazione (*Applausi dei deputati dei gruppi Unione di Centro, Popolo della Libertà e Lega Nord Padania*).

(Votazioni)

PRESIDENTE. Avverto che i presentatori della mozione Evangelisti ed altri n. 1-00072 e della mozione Casini ed altri n. 1-00074 accettano le riformulazioni proposte dal Governo.

Avverto, altresì, che in caso di approvazione della mozione Nirenstein ed altri n. 1-00055, il primo ed il terzo capoverso del dispositivo della mozione Evangelisti ed altri n. 1-00072 si intenderanno assorbiti dal primo e quarto capoverso del

dispositivo della predetta mozione Nirenstein ed altri n. 1-00055.

Passiamo ai voti.

Indico la votazione nominale, mediante procedimento elettronico, sulla mozione Nirenstein ed altri n.1-00055, accettata dal Governo.

(Segue la votazione).

Dichiaro chiusa la votazione.

Comunico il risultato della votazione: la Camera approva (*Vedi votazioni*).

<i>(Presenti</i>	424
<i>Votanti</i>	421
<i>Astenuti</i>	3
<i>Maggioranza</i>	211
<i>Hanno votato sì</i>	417
<i>Hanno votato no</i> ..	4).

Passiamo alla votazione della mozione Evangelisti ed altri n. 1-00072, nel testo riformulato. Ricordo che, a seguito delle votazioni precedenti, risultano assorbiti il primo e il terzo capoverso del dispositivo.

Passiamo ai voti.

Indico la votazione nominale, mediante procedimento elettronico, sulla mozione Evangelisti ed altri n. 1-00072, nel testo riformulato e nella parte non assorbita, accettata dal Governo.

(Segue la votazione).

Dichiaro chiusa la votazione.

Comunico il risultato della votazione: la Camera approva (*Vedi votazioni*).

<i>(Presenti</i>	424
<i>Votanti</i>	419
<i>Astenuti</i>	5
<i>Maggioranza</i>	210
<i>Hanno votato sì</i>	371
<i>Hanno votato no</i> ..	48).

Prendo atto che i deputati Nirenstein e Ruben hanno segnalato che non sono riusciti ad esprimere voto favorevole e che la deputata Comaroli ha segnalato che ha espresso voto favorevole mentre avrebbe voluto esprimere voto contrario.

Indico la votazione nominale, mediante procedimento elettronico, sulla mozione Casini ed altri n. 1-00074, nel testo riformulato, accettata dal Governo.

(Segue la votazione).

Dichiaro chiusa la votazione.

Comunico il risultato della votazione: la Camera approva (Vedi votazioni).

(Presenti	427
Votanti	416
Astenuti	11
Maggioranza	209
Hanno votato sì	415
Hanno votato no ..	1).

Sospendo la seduta, che riprenderà alle ore 15,35 con lo svolgimento delle interpellanze urgenti.

La seduta, sospesa alle 15,05, è ripresa alle 15,35.

Missioni.

PRESIDENTE. Comunico che, ai sensi dell'articolo 46, comma 2, del Regolamento, i deputati Alessandri, Boniver, Brugger, Caparini, Cota, Donadi, Jannone, Lo Monte, Molgora, Palumbo, Romani, Soro, Valducci e Vito sono in missione a decorrere dalla ripresa pomeridiana della seduta.

Pertanto i deputati in missione sono complessivamente ottantuno, come risulta dall'elenco depositato presso la Presidenza e che sarà pubblicato nell'allegato A al resoconto della seduta odierna.

Svolgimento di interpellanze urgenti (ore 15,37).

PRESIDENTE. L'ordine del giorno reca lo svolgimento di interpellanze urgenti.

[Iniziativa ispettive presso la procura della Repubblica di Massa in relazione ad una perquisizione a carico di due consiglieri di minoranza del comune di Aulla (Massa Carrara) - n. 2-00236]

PRESIDENTE. L'onorevole Barani ha facoltà di illustrare la sua interpellanza n. 2-00236, concernente iniziative ispettive presso la procura della Repubblica di Massa in relazione ad una perquisizione a carico di due consiglieri di minoranza del comune di Aulla (Massa Carrara) (vedi l'allegato A - Interpellanze urgenti).

LUCIO BARANI. Signor Presidente, signor sottosegretario, i fatti si sono svolti nella città di Aulla dove, nel mese di agosto, è circolato un volantino anonimo con scritte e giudizi sentimentale-politici verso il sindaco ed alcuni consiglieri. Il fatto è ovviamente da condannare e certamente riprovevole, anche se, a giudizio di molti dei sottoscrittori, non è stato certamente pesante nelle affermazioni e, comunque, a scopo satirico, scritto da un buontempone. Forse in Italia i volantini anonimi sono migliaia, centinaia di migliaia, milioni.

L'attuale sindaco di Aulla e alcuni consiglieri nel loro diritto si sono rivolti ai carabinieri per una denuncia per diffamazione. Stiamo parlando di un articolo del codice penale: il 595, comma 3, reato di diffamazione perseguibile a querela di parte con denuncia contro ignoti.

Ebbene, signor sottosegretario e signor Presidente, le sembrerà strano ma stiamo parlando di un volantino che non parla di mafia, di tangenti, di corruzione, di concussione, di terrorismo, di pedopornografia, contenendo giudizi politici e sentimentali. In questo volantino si dice che, forse, il sindaco ha una fidanzata: buon per lui! Ebbene sarà un paradosso, forse non ci crederà ma è vero: il 21 novembre alle ore 7, i carabinieri e la polizia postale in numero cospicuo hanno perquisito le abitazioni di due consiglieri comunali; hanno sequestrato il computer, hanno ricevuto mandato da un procuratore della procura di Massa di perquisire i locali di questi

MOZIONI NIRENSTEIN ED ALTRI N. 1-00055, EVANGELISTI ED ALTRI N. 1-00072 E CASINI ED ALTRI N. 1-00074 SULLE INIZIATIVE IN VISTA DELLA PREPARAZIONE DELLA CONFERENZA MONDIALE CONTRO IL RAZZISMO, LA DISCRIMINAZIONE RAZZIALE, LA XENOFOBIA E L'INTOLLERANZA, CHE SI SVOLGERÀ A GINEVRA NEL MESE DI APRILE 2009

Mozioni

La Camera,

premessi che:

la « Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza », svoltasi a Durban nel 2001 su iniziativa dell'Onu, secondo i firmatari del presente atto di indirizzo si trasformò in un processo politico contro lo Stato di Israele, chiamato, dal banco degli imputati, a rispondere ad accusatori che erano (e sono) per la gran parte regimi responsabili di politiche costituzionalmente fondate sul rifiuto del pluralismo culturale, sull'intolleranza religiosa e sulla persecuzione di ogni forma di dissenso e di « differenza » personale o civile;

in quell'occasione, la Conferenza Onu, incentrata, secondo i firmatari del presente atto di indirizzo surrettiziamente, sul « caso Israele » fece dunque del razzismo il pretesto per rilanciare una campagna di linciaggio morale, politico e religioso del popolo ebraico e dello Stato d'Israele;

il clima della Conferenza di Durban venne, quindi, compromesso dall'atteggiamento discriminatorio di alcuni Stati e Capi di Governo (da Mugabe a Fidel

Castro) e della maggior parte delle organizzazioni non governative presenti: per questa ragione, gli Stati Uniti e Israele abbandonarono la Conferenza, nel corso della quale si verificarono numerosi episodi di natura antisemita, come la distribuzione ai partecipanti dei Protocolli dei Savi di Sion e l'esclusione di membri di organizzazioni non governative ebraiche da alcune sessioni del *Forum* delle organizzazioni non governative, che si svolgeva in concomitanza al vertice;

fino all'ultimo dei nove giorni della Conferenza, alcuni Paesi tentarono di reiterare il precedente della risoluzione 3379, approvata dall'Assemblea generale ONU nel 1975 (e peraltro revocata, dallo stesso consesso, il 16 dicembre 1991), e di inserire nella dichiarazione finale del vertice la formula « sionismo uguale a razzismo »; il tentativo venne infine scongiurato anche grazie alle pressioni dell'Unione europea;

la prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, nota come « Durban II » o « Durban Review Conference », è programmata per l'aprile 2009, a Ginevra; il comitato preparatorio è presieduto dalla Libia ed è composto da Stati come Iran e Cuba. Osservando la preparazione, si evince che è alto il rischio

che anche la prossima Conferenza contro il razzismo si trasformi in una conferenza razzista contro Israele;

verso la metà del mese di ottobre 2008, il comitato preparatorio ha raccolto tutti i contributi nazionali in un documento di lavoro in vista della predisposizione del documento finale della prossima Conferenza di Ginevra; nel testo si allude in modo tanto implicito quanto scoperto a Israele come a un'entità « straniera occupante la cui legge si basa sulla discriminazione razziale (...) che costituisce una grave violazione dei diritti umani e del diritto umanitario, un nuovo modello di *apartheid*, un crimine contro l'umanità, una forma di genocidio e una seria minaccia alla pace e alla stabilità internazionale »; su questa base si « reitera la preoccupazione [dell'ONU] per la grave condizione del popolo palestinese soggetto all'occupazione straniera »; il fatto che i palestinesi siano l'unico popolo menzionato come oggetto di discriminazione prospetta un'evidente continuità con la linea perseguita nella Conferenza di Durban;

se la discussione su razzismo e discriminazione continuerà a poggiare su premesse di questo genere, la « Durban Review Conference » diventerà di nuovo un accanito forum anti-israeliano. Quanto al tema del razzismo, è oltremodo errato il pregiudizio tipico del vertice del 2001, che ritroviamo nei documenti preparativi attuali, secondo i quali il razzismo, l'intolleranza e la schiavitù sono responsabilità esclusiva dell'Occidente. La storiografia qualificata corrente ha confermato che tali fenomeni hanno una ben più vasta e globale diffusione. Un'analisi sbagliata renderebbe impossibile contrastare le politiche di oppressione etnica, culturale e religiosa che negli ultimi decenni hanno insanguinato vaste aree del mondo, tra le quali oggi emerge, con sempre più allarmante chiarezza, la persecuzione violenta dei cristiani in molti Paesi islamici e in larga parte del continente asiatico;

numerosi Paesi si sono già dimostrati consapevoli del rischio di replicare

nel 2009 a Ginevra quanto avvenne nel 2001 a Durban: nel mese di gennaio 2008 il Canada, valutandone il processo preparatorio, ha annunciato tramite il proprio Ministro degli esteri e il Segretario di Stato per il multiculturalismo e l'identità canadese, che non parteciperà alla Conferenza di Ginevra; Israele ha dichiarato a sua volta che non parteciperà sotto la minaccia che la Conferenza si trasformi in una tribuna di propaganda antisemita. Il Congresso Americano ha adottato la Risoluzione 1361 (23 settembre 2008) che impegna il Governo a « guidare un grande sforzo diplomatico (...) per sconfiggere la campagna di alcuni membri dell'Organizzazione della conferenza islamica per distogliere la *Review Conference* dai problemi reali (...), attaccando invece Israele, promuovendo l'antisemitismo e sovvertendo la Dichiarazione universale dei diritti dell'uomo ». Il Presidente francese Sarkozy ha annunciato il ritiro dal percorso preparatorio se esso non abbandonerà la deriva anti-israeliana,

impegna il Governo:

a verificare con attenzione, assieme ai *partner* europei, gli esiti e gli orientamenti che emergono dal processo di preparazione della prossima « Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza »;

a intervenire in sede europea affinché venga scongiurato il rischio che la Conferenza si svolga su una piattaforma ispirata all'intolleranza e alla discriminazione etnica, culturale e religiosa;

ad agire perché i documenti preparatori contengano solo l'intento di combattere il razzismo e la discriminazione a qualsiasi latitudine e per qualsiasi motivo essa si rappresenti e perché decada lo scopo non recondito della delegittimazione dello Stato d'Israele;

ad esercitare la massima vigilanza e ad agire concretamente affinché la Conferenza sia effettivamente volta a promuovere la lotta contro il razzismo e contro le

discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, Stati o minoranze etniche e religiose.

(1-00055) « Nirenstein, Bocchino, Boniver, Guzzanti, Pianetta, Picchi, Ruben, Pistelli, Repetti, Corsini, Colombo, Mecacci, Malgieri, Mazzoni, Maran, La Malfa, Fiano, Pini, Polledri ».

(29 ottobre 2008)

La Camera,

premessi che:

agli inizi del settembre 2001, pochi giorni prima dell'attentato alle Torri Gemelle, si è tenuta a Durban, in Sudafrica, la III Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, su iniziativa dell'Onu, che ha visto la partecipazione di 2500 rappresentanti di 170 Paesi, fra cui 16 Capi di Stato, ma anche di circa 4000 organizzazioni non governative provenienti da ogni parte del mondo;

a causa delle difficoltà incontrate per raggiungere il consenso su alcuni punti fondamentali della Conferenza mondiale, in particolare la questione israelo-palestinese, la tratta degli schiavi e l'individuazione delle vittime della discriminazione, i negoziati hanno richiesto un giorno di lavoro in più rispetto alla programmazione;

fino all'ultimo dei nove giorni della Conferenza, alcuni Paesi tentarono di reiterare il precedente della risoluzione 3379, approvata dall'Assemblea generale dell'Onu nel 1975 (e peraltro revocata, dallo stesso consesso, il 16 dicembre 1991), e di inserire nella dichiarazione finale del vertice la formula « sionismo uguale a razzismo »; il tentativo venne, infine, scongiurato anche grazie alle pressioni dell'Unione europea;

atteso che a maggioranza è stata comunque adottata una risoluzione di portata storica, sostanzialmente le conclusioni della Conferenza hanno finito con il deludere gli arabi, in quanto non è stato inserito nessun riferimento a Israele, e gli africani, in quanto nel testo finale è stato inserito il concetto di risarcimento dei danni subiti a causa dello schiavismo, ma alla fine si è trattato più di una dichiarazione di principio che di un impegno dei Paesi ricchi a pagare;

i Paesi europei hanno ottenuto di non dover presentare « scuse » formali per la compravendita transatlantica di schiavi, perché viste come potenziali appigli legali per avviare azioni di risarcimento;

la prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, nota come « Durban II » o « Durban Review Conference », è programmata per l'aprile 2009, a Ginevra; il comitato preparatorio è presieduto dalla Libia ed è composto da Stati come Iran e Cuba, che fanno aumentare fortemente il rischio che anche la prossima Conferenza contro il razzismo si risolva in un sostanziale fallimento;

numerosi Paesi si sono già dimostrati consapevoli del rischio di replicare nel 2009 a Ginevra quanto avvenne nel 2001 a Durban: nel mese di gennaio 2008 il Canada, valutandone il processo preparatorio, ha annunciato tramite il proprio Ministro degli esteri e il Segretario di Stato per il multiculturalismo e l'identità canadese, che non parteciperà alla Conferenza di Ginevra; Israele ha dichiarato a sua volta che non parteciperà sotto la minaccia che la Conferenza si trasformi in una tribuna di propaganda antisemita. Il Congresso Americano ha adottato la risoluzione 1361 (23 settembre 2008) che impegna il Governo a « guidare un grande sforzo diplomatico (...) per sconfiggere la campagna di alcuni membri dell'Organizzazione della conferenza islamica per distogliere la Review Conference dai problemi reali (...), attaccando invece Israele, promuovendo l'an-

tisemitismo e sovvertendo la Dichiarazione universale dei diritti dell'uomo». Il Presidente francese Sarkozy ha annunciato il ritiro dal percorso preparatorio se esso non abbandonerà la deriva anti-israeliana,

impegna il Governo:

a verificare con attenzione, assieme ai *partner* europei, gli esiti e gli orientamenti che emergono dal processo di preparazione della prossima « Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza »;

a intervenire in sede europea affinché venga scongiurato il rischio che la Conferenza si svolga su una piattaforma ispirata all'intolleranza e alla discriminazione etnica, culturale e religiosa, affinché i partecipanti non utilizzino tale incontro per avanzare rivendicazioni strumentali;

ad esercitare la massima vigilanza e ad agire concretamente affinché la Conferenza sia effettivamente volta a promuovere la lotta contro il razzismo e contro le discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, Stati o minoranze etniche e religiose;

a vincolare la partecipazione italiana a tale Conferenza all'effettivo indirizzo dei lavori preparatori verso la buona riuscita della stessa e a far sì che la medesima Conferenza sia finalizzata alla promozione della convivenza pacifica tra i popoli e, in particolare nell'area mediorientale, al rilancio del processo di pace tra israeliani e palestinesi, attraverso un reciproco riconoscimento e secondo l'affermazione del principio « due Stati, due Popoli ».

(1-00072) « Evangelisti, Donadi, Borghesi, Barbato, Cambursano, Cimdoro, Costantini, Di Giuseppe, Favia, Aniello Formisano, Giulietti, Messina, Misi, Monai, Mura, Leoluca Orlando, Paladini, Porfidia,

Palagiano, Palomba, Piffari, Pisicchio, Porcino, Razzi, Rota, Scilipoti, Zazzera ».

(3 dicembre 2008)

La Camera,

premessi che:

agli inizi del settembre 2001, pochi giorni prima dell'attentato alle Torri Gemelle, si è tenuta a Durban, in Sudafrica, la III Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, su iniziativa dell'Onu, che ha visto la partecipazione di 2500 rappresentanti di 170 Paesi, fra cui 16 Capi di Stato, ma anche di circa 4000 organizzazioni non governative provenienti da ogni parte del mondo;

a causa delle difficoltà incontrate per raggiungere il consenso su alcuni punti fondamentali della Conferenza mondiale, in particolare la questione israelo-palestinese, la tratta degli schiavi e l'individuazione delle vittime della discriminazione, i negoziati hanno richiesto un giorno di lavoro in più rispetto alla programmazione;

fino all'ultimo dei nove giorni della Conferenza, alcuni Paesi tentarono di reiterare il precedente della risoluzione 3379, approvata dall'Assemblea generale dell'Onu nel 1975 (e peraltro revocata, dallo stesso consesso, il 16 dicembre 1991), e di inserire nella dichiarazione finale del vertice la formula « sionismo uguale a razzismo »; il tentativo venne, infine, scongiurato anche grazie alle pressioni dell'Unione europea;

atteso che a maggioranza è stata comunque adottata una risoluzione di portata storica, sostanzialmente le conclusioni della Conferenza hanno finito con il deludere gli arabi, in quanto non è stato inserito nessun riferimento a Israele, e gli africani, in quanto nel testo finale è stato inserito il concetto di risarcimento dei danni subiti a causa dello schiavismo, ma

alla fine si è trattato più di una dichiarazione di principio che di un impegno dei Paesi ricchi a pagare;

i Paesi europei hanno ottenuto di non dover presentare « scuse » formali per la compravendita transatlantica di schiavi, perché viste come potenziali appigli legali per avviare azioni di risarcimento;

la prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, nota come « Durban II » o « Durban Review Conference », è programmata per l'aprile 2009, a Ginevra; il comitato preparatorio è presieduto dalla Libia ed è composto da Stati come Iran e Cuba, che fanno aumentare fortemente il rischio che anche la prossima Conferenza contro il razzismo si risolva in un sostanziale fallimento;

numerosi Paesi si sono già dimostrati consapevoli del rischio di replicare nel 2009 a Ginevra quanto avvenne nel 2001 a Durban: nel mese di gennaio 2008 il Canada, valutandone il processo preparatorio, ha annunciato tramite il proprio Ministro degli esteri e il Segretario di Stato per il multiculturalismo e l'identità canadese, che non parteciperà alla Conferenza di Ginevra; Israele ha dichiarato a sua volta che non parteciperà sotto la minaccia che la Conferenza si trasformi in una tribuna di propaganda antisemita. Il Congresso Americano ha adottato la risoluzione 1361 (23 settembre 2008) che impegna il Governo a « guidare un grande sforzo diplomatico (...) per sconfiggere la campagna di alcuni membri dell'Organizzazione della conferenza islamica per distogliere la Review Conference dai problemi reali (...), attaccando invece Israele, promuovendo l'antisemitismo e sovvertendo la Dichiarazione universale dei diritti dell'uomo ». Il Presidente francese Sarkozy ha annunciato il ritiro dal percorso preparatorio se esso non abbandonerà la deriva anti-israeliana,

impegna il Governo:

a verificare con attenzione, assieme ai partner europei, gli esiti e gli orientamenti

che emergono dal processo di preparazione della prossima « Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza »;

a intervenire in sede europea affinché venga scongiurato il rischio che la Conferenza si svolga su una piattaforma ispirata all'intolleranza e alla discriminazione etnica, culturale e religiosa, affinché i partecipanti non utilizzino tale incontro per avanzare rivendicazioni strumentali;

ad esercitare la massima vigilanza e ad agire concretamente affinché la Conferenza sia effettivamente volta a promuovere la lotta contro il razzismo e contro le discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, Stati o minoranze etniche e religiose;

a impegnare la partecipazione italiana a tale Conferenza all'effettivo indirizzo dei lavori preparatori verso la buona riuscita della stessa e a far sì che la medesima Conferenza sia finalizzata alla promozione della convivenza pacifica tra i popoli e, in particolare nell'area medio-orientale, al rilancio del processo di pace tra israeliani e palestinesi ».

(1-00072) (*Testo modificato nel corso della seduta*). « Evangelisti, Donadi, Borghesi, Barbato, Cambursano, Cimadoro, Costantini, Di Giuseppe, Favia, Aniello Formisano, Giulietti, Messina, Misiti, Monai, Mura, Leoluca Orlando, Paladini, Porfidia, Palagiano, Palomba, Piffari, Pisicchio, Porcino, Razzi, Rota, Scilipoti, Zazera ».

(3 dicembre 2008)

La Camera,

premesso che:

si terrà a Ginevra dal 20 al 24 aprile del 2009 la Conferenza mondiale contro il razzismo, la discriminazione

razziale, la xenofobia e l'intolleranza, di revisione della Conferenza, tenutasi a Durban nel settembre del 2001;

dopo gli appuntamenti del 1978 e del 1983, che si erano svolti a Ginevra, la scelta della sede cadde, infatti, su Durban per il significato altamente simbolico di una città sudafricana dopo la fine dell'*apartheid*;

nonostante gli sforzi di Kofi Annan, la Conferenza fu fortemente condizionata dai palestinesi e da gruppi arabi e musulmani;

l'evento si trasformò, infatti, in un processo ad Israele, in cui si tentò persino di riportare in vita la deliberazione Onu del 1975 che aveva equiparato il sionismo a una forma di razzismo;

in quella occasione, le organizzazioni non governative consegnarono una dichiarazione in cui si accusava Israele di essere uno Stato razzista, di aver commesso crimini razzisti, crimini di guerra, genocidio, pulizia etnica e *apartheid*, di aver imposto uno Stato con regime terrorista, di aver compiuto atti disumani contro i palestinesi e si paragonava infine il sionismo al razzismo;

fu anche chiesta l'istituzione di un tribunale internazionale contro lo Stato ebraico, la cancellazione della legge sul ritorno degli ebrei in Israele, il rispetto del diritto di ritorno dei palestinesi la sospensione di tutti i contatti fra gli Stati mondiali e Israele e la messa all'indice di chi li manteneva;

a favore di Israele si schierarono solo *Amnesty International* e *Hrw (Human Rights Watch)* che però decisero di non prendere parte alla discussione;

Stati Uniti e Israele ritirarono le loro delegazioni, mentre Australia e Canada attaccarono l'« ipocrisia » della Conferenza con parole di fuoco;

la Libia detiene oggi, la presidenza del Comitato preparatorio della « *Durban*

Review Conference », il rapporto è stato affidato a Cuba, e nel comitato preparatorio è presente anche l'Iran;

è ancora vivo il ricordo delle parole pronunciate dal Presidente iraniano Ahmadinejad alla tribuna delle Nazioni Unite quando aveva chiesto che « l'entità sionista sia cancellata dalla mappa del mondo »;

un documento del gruppo Asia, sottoposto al comitato preparatorio di Durban 2 e che appare su un sito internet ufficiale dell'Onu, conterrebbe lo stesso linguaggio che ha minato il primo appuntamento, riproducendo la retorica del *Teheran planning meeting* del 2001 che portò a Durban I;

il Ministro degli esteri dello Stato ebraico, Tzipi Livni, davanti all'Assemblea generale della comunità ebraiche unite del Nord America ha dichiarato recentemente che Israele non legittimerà e non parteciperà alla Conferenza di Durban II;

il Canada ha già detto che non parteciperà, dicendosi sicuro che la Conferenza invece di combattere il razzismo e l'intolleranza ne promuoverà ancora di più;

anche gli Stati Uniti sembrano propensi a non partecipare, mentre l'Unione europea non minaccia boicottaggi;

solo la Slovenia ha parlato in sede di Comitato preparatorio contro il rischio che si ripeta « l'inaccettabile antisemitismo di Durban », chiedendo anche di non concentrarsi « su un'area geografica sola »,

impegna il Governo:

a vigilare affinché nel processo di preparazione della prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, non prevalga una impostazione che, sotto l'apparenza della lotta al razzismo, nasconda l'obiettivo di rinfocolare l'ostilità nei confronti di popoli sovrani o Stati legittimi;

a promuovere un'iniziativa in sede europea che tenda ad inserire tra i documenti da sottoporre al comitato preparatorio una ferma condanna delle stragi di cristiani in India e Pakistan, affinché la comunità internazionale intervenga repentinamente per evitare che proseguano impunemente questi attacchi alla libertà religiosa ed ai diritti umani in generale;

a sollecitare una relazione con la quale la Conferenza tracci una mappa dettagliata che evidenzi, senza reticenze ed equivoche interpretazioni, tutte le aree del globo e le nazioni in cui siano presenti violazioni dei diritti di libertà religiosa e culturale, o fenomeni di discriminazione razziale ed etnica;

in particolare, a mettere in conto l'eventuale ritiro della delegazione italiana dal percorso preparatorio, così come annunciato dal Presidente francese Sarkozy, qualora dovesse riproporsi un clima ostile nei confronti di Israele.

(1-00074) « Casini, Buttiglione, Vietti, Adornato, Volontè, Compagnon, Ciccanti, Naro ».

(4 dicembre 2008)

(Mozione non iscritta all'ordine del giorno ma vertente su materia analoga)

La Camera,

premessi che:

si terrà a Ginevra dal 20 al 24 aprile del 2009 la Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, di revisione della Conferenza, tenutasi a Durban nel settembre del 2001;

dopo gli appuntamenti del 1978 e del 1983, che si erano svolti a Ginevra, la scelta della sede cadde, infatti, su Durban per il significato altamente simbolico di una città sudafricana dopo la fine dell'*apartheid*;

nonostante gli sforzi di Kofi Annan, la Conferenza fu fortemente condizionata dai palestinesi e da gruppi arabi e musulmani;

l'evento si trasformò, infatti, in un processo ad Israele, in cui si tentò persino di riportare in vita la deliberazione Onu del 1975 che aveva equiparato il sionismo a una forma di razzismo;

in quella occasione, le organizzazioni non governative consegnarono una dichiarazione in cui si accusava Israele di essere uno Stato razzista, di aver commesso crimini razzisti, crimini di guerra, genocidio, pulizia etnica e *apartheid*, di aver imposto uno Stato con regime terrorista, di aver compiuto atti disumani contro i palestinesi e si paragonava infine il sionismo al razzismo;

fu anche chiesta l'istituzione di un tribunale internazionale contro lo Stato ebraico, la cancellazione della legge sul ritorno degli ebrei in Israele, il rispetto del diritto di ritorno dei palestinesi la sospensione di tutti i contatti fra gli Stati mondiali e Israele e la messa all'indice di chi li manteneva;

a favore di Israele si schierarono solo *Amnesty International* e *Hrw (Human Rights Watch)* che però decisero di non prendere parte alla discussione;

Stati Uniti e Israele ritirarono le loro delegazioni, mentre Australia e Canada attaccarono l'« ipocrisia » della Conferenza con parole di fuoco;

la Libia detiene oggi, la presidenza del Comitato preparatorio della « *Durban Review Conference* », il rapporto è stato affidato a Cuba, e nel comitato preparatorio è presente anche l'Iran;

è ancora vivo il ricordo delle parole pronunciate dal Presidente iraniano Ahmadinejad alla tribuna delle Nazioni Unite quando aveva chiesto che « l'entità sionista sia cancellata dalla mappa del mondo »;

un documento del gruppo Asia, sottoposto al comitato preparatorio di Durban 2 e che appare su un sito internet

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il Canada ha già detto che non parteciperà, dicendosi sicuro che la Conferenza invece di combattere il razzismo e l'intolleranza ne promuoverà ancora di più;

anche gli Stati Uniti sembrano propensi a non partecipare, mentre l'Unione europea non minaccia boicottaggi;

solo la Slovenia ha parlato in sede di Comitato preparatorio contro il rischio che si ripeta « l'inaccettabile antisemitismo di Durban », chiedendo anche di non concentrarsi « su un'area geografica sola »,

impegna il Governo:

a vigilare affinché nel processo di preparazione della prossima Conferenza mondiale contro il razzismo, la discriminazione razziale, la xenofobia e l'intolleranza, non prevalga una impostazione che, sotto l'apparenza della lotta al razzismo, nasconda l'obiettivo di rinfocolare l'ostilità nei confronti di popoli sovrani o Stati legittimi;

a promuovere un'iniziativa in sede europea che tenda ad inserire tra i documenti da sottoporre al comitato preparatorio una ferma condanna di tutte le forme di discriminazione basate sulla religione e delle violenze commesse contro le minoranze cristiane nel mondo, affinché la comunità internazionale intervenga repentinamente per evitare che proseguano impunemente questi attacchi alla libertà religiosa ed ai diritti umani in generale;

a sollecitare una relazione con la quale nei seguiti della Conferenza sia prevista anche la redazione di una mappa dettagliata che evidenzii, senza reticenze ed equivoche interpretazioni, tutte le aree del globo e le nazioni in cui siano presenti violazioni dei diritti di libertà religiosa e culturale, o fenomeni di discriminazione razziale ed etnica;

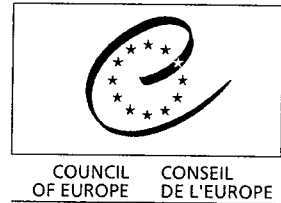
ad esercitare, assieme ai *partners* europei, la massima vigilanza e agire concretamente affinché la Conferenza sia effettivamente volta a promuovere la lotta contro il razzismo e contro le discriminazioni di ogni genere, piuttosto che un pretestuoso palcoscenico per l'incitamento all'odio nei confronti di alcuni popoli, Stati o minoranze etniche e religiose.

(1-00074) (*Testo modificato nel corso della seduta*) « Casini, Buttiglione, Vietti, Adornato, Volontè, Compagnon, Ciccanti, Naro ».

(4 dicembre 2008)

(*Mozione non iscritta all'ordine del giorno ma vertente su materia analoga*)

Altri documenti ufficiali



Information Documents

SG/Inf (2008) 20 rev

17 December 2008

**Contribution of the Council of Europe
to the Implementation of the Durban Declaration
and Programme of Action**

**Council of Europe Action to Combat Racism and Intolerance
(2001-2008)**

**Contribution submitted
by the Secretary General of the Council of Europe
to the Durban Review Conference (20-24 April 2009)**

I. Introduction

1. Since the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) adopted on 8 September 2001 in Durban, the Council of Europe (CoE) has continued to strengthen its action to combat all forms of racism and intolerance. The purpose of this contribution to the Durban Review Conference, to be held in Geneva on 20-24 April 2009, is to provide a comprehensive picture of action undertaken by the CoE to implement the Durban Programme of Action (DPA).
2. The CoE's contribution to the implementation of the DPA is built upon legal instruments, the action of its different independent monitoring mechanisms in the field of human rights, as well as other activities of the organisation. This action is spearheaded by the European Commission against Racism and Intolerance (ECRI), the CoE's independent human rights monitoring body specialised in the task of combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance within the CoE's member states.
3. The CoE brings to this fight considerable experience and expertise. The fight against racism and intolerance has been at the core of its work since its creation, after the Second World War, with the aim of building a new Europe based on the principles of pluralist democracy, the rule of law and respect for human rights - a Europe free of racism and racial discrimination. It acknowledges that equality and non-discrimination are fundamentally about recognizing each person's equal worth and dignity, as human beings, and as such, at the very heart of the human rights framework.
4. The European Court of Human Rights has recognized that discrimination - in itself a human rights violation - constitutes so great an affront to human dignity in certain instances as to amount, in addition, to degrading treatment prohibited under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Court considers that discriminatory treatment can constitute a violation of Article 3 where it indicates "contempt or lack of respect for the personality of individuals."¹
5. CoE action in this area adopts as its starting point a broad and evolving concept of racism. This encompasses overt forms of racism, such as segregation, Nazism or racially motivated violence, as well as other forms of racism which can occur in more subtle, but nonetheless harmful forms, such as verbal expressions of intolerance or indirect forms of discrimination. CoE actions also encompass manifestations of racism aimed at individuals or groups based upon a broad catalogue of grounds including not only race, colour and national or ethnic origin, but also language, religion and nationality.² Furthermore, the CoE is keenly aware that racism constantly mutates, taking on new forms in different contexts at different times, and therefore seeks to ensure that its actions cover all of the contemporary forms.
6. ECRI has noted many positive developments in European states in recent years, especially as concerns strengthening legislation aimed at providing protection against discrimination and establishing specialised bodies to combat racism and racial discrimination, which facilitate implementation of this legislation and carry out important work building awareness and providing advice on regulations and policies in this area. Many European states have also developed other measures to combat racism, including national action plans to improve the situation of Roma. However, ECRI has also noted that widespread problems persist, as will be highlighted in this contribution.

7. A salient feature of CoE actions to combat the problems of racism and racial discrimination is that it consistently approaches them from the perspective of protecting and promoting human rights and therefore ensuring that states meet their obligations in this area. These obligations involve on the one hand avoiding racism and discrimination. And, on the other hand, ensuring that individuals are adequately protected against racism and discrimination by non-state actors, and that all the necessary actions - legislative, political, administrative and judicial are taken to ensure that in practice individuals may fully realise equality and be free from discrimination and racism. The CoE uses all means available to it in the legal, political, social, cultural and educational fields to promote full respect and implementation of these obligations by its member states.
8. A clear illustration of CoE's human rights-based approach to combating racism and related intolerance is given by the work of the Council of Europe Commissioner for Human Rights (CHR). The Commissioner regularly assesses measures states have taken to implement the DPA, such as the national legal framework (e.g. legislation against all forms of discrimination and penal provisions against incitement to hatred and other hate crimes); the availability of data on manifestations of racism and discrimination; access to and effectiveness of remedies as well as national action plans and other measures in this field. The Commissioner insists that the fight against discrimination and hate crimes must be comprehensive and include all relevant grounds of discrimination including race or ethnic origin, gender, religion or belief, age, disability, sexual orientation, gender identity or other such ground as well as multiple forms of discrimination.

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

9. Part II of the DPA focuses on actions to combat manifestations of racism, xenophobia and racial discrimination which are directed at specific groups of victims.
10. In cases where the specific situation and problems of particular groups require tailored actions, the Council of Europe carries out activities which target the needs of these groups. However, it simultaneously seeks to maintain a holistic approach to the fight against racism and discrimination, whereby the various efforts to combat specific manifestations of racism and discrimination are mutually reinforcing. The CoE is careful to avoid fragmenting the fight against racism with parallel actions whose paths never cross or presenting one form of racism and discrimination as more worthy of concern than another. It therefore ensures that there is coherence and linkage between actions oriented towards specific victims and the overall fight against racism and racial discrimination and that all of its actions are in accordance with the general principle of the equal dignity of all human beings.

Africans and people of African descent

11. Anti-black racism remains an important problem in many European countries and does not receive sufficient attention. It manifests itself as discrimination in different fields of life, such as employment, law enforcement, housing and sport. In its 2007 Annual report ECRI notes that black people are not only victims of racism because of the colour of their skin, but also because they are immigrants, asylum seekers or refugees, or sometimes for reasons of religious intolerance towards them. ECRI regularly investigates such racism and discrimination in its country monitoring. It especially recommends recognition of this specific problem and measures to ensure full application of anti-racist and anti-discrimination legislation in all fields.

Roma, Travellers and Anti-Gypsyism

12. Racism and discrimination targeting Roma and Travellers is one of the most widespread, persistent, complex and deep-rooted problems in Europe. It is also one of the most difficult problems to address. Since the WCAR, the Council of Europe has continued to document these problems; called attention to the urgent need to combat them; set clear legal standards and policy guidelines focused specifically on Roma and Travellers; developed pedagogical material and tools³; carried out education and awareness raising activities aimed at fighting against anti-Gypsyism; and supported Roma empowerment measures.
13. The Committee of Ministers of the CoE has adopted numerous Recommendations for improving the situation of Roma and addressing specific problems (access to health care, housing conditions, movement and encampment, economic and employment situation, education).⁴ The most recent Recommendation is of a general nature and stresses “that discrimination and social exclusion can be overcome most effectively by comprehensive, coherent and proactive policies targeting both the Roma and the majority, which ensure integration and participation of Roma and Travellers in the societies in which they live and respect for their identity.”⁵
14. ECRI regularly examines the specific situation of Roma in its country-by-country monitoring work and makes recommendations to authorities for combating the racism, discrimination, hostility and intolerance faced by members of these groups. These recommendations reflect the specific situation which ECRI documents in each country as well as its expertise as to the kind of measures which are necessary to effectively combat these problems. In its third cycle of country monitoring, undertaken from January 2003 until December 2007, covering all 47 member states, aspects of the situation of Roma are covered in reports on 36 member states and constitute “an issue of particular concern” in 19 reports. The main subjects on which ECRI made Roma-specific recommendations in these reports are national action strategies; problems encountered by Roma communities in various fields of life; participation in public life; the situation of Roma at the local level; the situation of Roma in the education sector; the situation of Roma in the housing sector; access to personal documents; access to health care; access to employment; access to social welfare; conduct of law enforcement officials; cultural identity; awareness-raising; and data collection.
15. In 2006, the Council of Europe Commissioner for Human Rights (CHR) published a thematic report on the human rights situation of the Roma, Sinti and Travellers in Europe. This report addressed major human rights concerns regarding the Roma in Europe while underlining their seriousness and the necessity to take urgent action to improve the situation. Under each section - discrimination in housing, education, employment and health care, racially-motivated violence and relations with law enforcement authorities, issues related to asylum, displacement and trafficking in human beings - the Commissioner made recommendations to member states as to the type of action required. While most country reports of the CHR include an assessment of the situation of Roma, the CHR has also carried out special visits to member states to address emergencies faced by Roma followed by recommendations to the government concerned for remedying the situation. The Commissioner has highlighted the fact that the discrimination experienced by Roma, Sinti and Travellers is aggravated by multiple forms of discrimination such as gender discrimination.
16. In 2007, the European Court of Human Rights gave a landmark decision in the case of *DH and Others v Czech Republic* finding that the disproportionate number of children of

Roma origin in special schools for children with learning disabilities amounted to indirect discrimination in violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights read in conjunction with Article 2 of Protocol No.1 (right to education).⁶ The problem of channelling Roma children into schools for children with mental disabilities or other forms of segregated schooling exists in several European countries. With this decision, the Court has made clear that this is illegal and that European states have an obligation to put an end to such discrimination against Roma in education.

17. In 2002, following the WCAR, the CoE's existing Group of Specialists on Roma/Gypsies (MG-S-ROM) expanded its areas of responsibility to include Travellers and was renamed Committee of Experts on Roma and Travellers. MG-S-ROM provides recommendations and advice which have assisted governments and public bodies to develop legislation, policies and strategies to improve the situation of Roma and Travellers. The CoE Division on Roma and Travellers, which co-ordinates MG-S-ROM, also provides member states with expertise in adopting and implementing national strategies for Roma. These strategies or programmes now exist in more than 20 European countries, many of them adopted at the instigation and with the assistance of the CoE. The Division has also been very active in capacity-building of national Roma NGOs in several member states.
18. In December 2004 a special Partnership Agreement was signed between the CoE and the newly created European Roma and Travellers Forum - an organisation representing Roma and Travellers across Europe. The Agreement provides for a CoE contribution in terms of funds and human resources and enables the Forum to have a privileged relationship with these sectors of the organisation dealing with issues relevant to Roma and Travellers.
19. During 2006 and 2007 the Council of Europe, together with the European Commission, carried out the Dosta! awareness-raising Campaign in five South Eastern European countries to address anti-Gypsyism and build bridges between Roma and the majority society. In 2008 the Campaign was extended to other countries.

Muslims and Islamophobia

20. In its 2007 Annual report ECRI noted that it was "concerned by the continuing climate of hostility towards persons who are Muslim or are perceived to be Muslim, and deplores the fact that Islamophobia continues to manifest itself in different guises within European societies. Muslim communities and their members continue to face prejudice, negative attitudes and discrimination. The discourse of certain political figures or some of the media contributes to this negative climate, which can sometimes lead to acts of violence against Muslim communities."⁷ The climate of opinion with respect to Muslims in Europe has been particularly affected by the "fight against terrorism". ECRI's third cycle country monitoring reports frequently discuss racism and discrimination directed against Muslims and recommend that authorities take action to address these problems. ECRI's General Policy Recommendation No.5 concentrates on "Combating Intolerance against Muslims" and provides detailed guidelines on this subject.

Jews and anti-Semitism

21. During recent years ECRI has continued to document an increase in violent acts of anti-Semitism and the spread of new manifestations. Its country reports consistently examine anti-Semitism. ECRI's General Policy Recommendation No.9 (GPR 9) on the fight against anti-Semitism is the first European legal instrument on this specific subject. GPR 9 notes that new manifestations "have often closely followed

contemporary world developments such as the situation in the Middle East". It also underlines that "these manifestations are not exclusively the actions of marginal or radical groups, but are often mainstream phenomena, including in schools, that are becoming increasingly perceived as commonplace occurrences." In GPR 9, ECRI notes that it is: "Profoundly convinced that combating anti-Semitism, while requiring actions taking into account its specificities, is an integral and intrinsic component of the fight against racism."⁸ A considerable part of GPR 9's guidelines sets out the anti-Semitic acts which ECRI believes should be addressed through criminal law.

Migrants and refugees

22. Under the European Social Charter (ESC), Article 19 protects the rights of migrant workers. One of the obligations under Article 19(1) is that states must take measures to prevent misleading propaganda relating to immigration and emigration. According to the case law of the European Committee of Social Rights (ECSR), which monitors compliance by states with their obligations under the ESC, for action against misleading propaganda to be effective, it should include legal and practical measures to tackle racism and xenophobia as well as trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease. States must also take measures to raise awareness amongst law enforcement officials, including officials who are in first contact with migrants.
23. The Parliamentary Assembly has paid particular attention to the issue of rights of irregular migrants and in 2006 adopted Resolution 1509 on Human Rights of Irregular Migrants, emphasising the need to strengthen, in particular, the economic and social rights of this vulnerable group of persons. The Assembly followed up this issue in 2007 by adopting Resolution 1568 on Regularisation Programmes for Irregular Migrants, highlighting that the many millions of irregular migrants in Europe should not be left in the shadows of society, facing an uncertain future and exploitation, when there were no reasonable expectations of their return to their countries of origin. The Assembly is currently examining the difficult situation of "Europe's boat-people", the reception conditions offered to them and the conditions in which they are detained. A Resolution is scheduled to be adopted by the Assembly on this issue in November 2008.
24. In 2007, the Commissioner for Human Rights released an Issue Paper on the Human Rights of Irregular Migrants in Europe, in which he describes the various risks faced by such migrants and suggests how host states might reinforce the protection of this vulnerable group. The Commissioner had already adopted a Recommendation on the rights of foreigners wishing to enter the territory of member states of the CoE and the carrying out of expulsion procedures in 2001. The Commissioner has also published a series of Viewpoints regarding the protection of human rights of migrants, refugees, internally displaced and stateless persons in Europe. Among other issues, he has highlighted human rights concerns in EU law and policy on migration including the manner of returning undocumented migrants to their countries of origin.
25. In its country reports, ECRI regularly examines the situation of migrants, asylum seekers and refugees. In recent years, ECRI has repeatedly drawn attention to a climate of political debate about immigration which has not only hardened considerably, but also tends to stigmatise entire communities, notably foreigners. The latter are frequently presented as the persons responsible for the deterioration of security, unemployment and increased public expenditure. ECRI warns that this process of stigmatisation

provides a breeding ground for racial discrimination towards this part of Europe's population.

26. In 2006, the Congress of Local and Regional Authorities launched the "Cities for Local Integration Policy" Network. The network seeks, through a structured exchange of experiences among cities, to support the effective and sustainable social, economic and societal integration of migrants and to combat social inequality and discrimination. The network currently numbers around 30 members with cities from different parts of Europe including medium-sized and larger cities.
27. Of specific concern is the situation of immigration detainees. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) monitors their treatment, including their material conditions of detention and treatment by custodial staff, and the safeguards relating to deprivation of liberty and possible expulsion. It also continuously develops standards for the detention of foreigners under aliens legislation. The CPT has also developed a series of standards designed to ensure the personal safety and dignity of detainees during the execution of deportation orders, including the outlawing of certain practices and means of coercion. The Steering Committee for Human Rights is currently drawing up Council of Europe Guidelines on the protection of human rights in the context of accelerated asylum procedures.
28. The European Committee on Legal Co-operation (CDCJ) is addressing the question of access to justice for migrants and asylum seekers, including children. A feasibility study is being prepared to evaluate the need to draft a legal instrument addressing the subject.

Victims of Trafficking

29. Victims of trafficking are particularly targeted by racism and intolerance. The CoE Convention on Action against Trafficking in Human Beings, the first European treaty in this field, entered into force on 1 February 2008. It sets out measures to prevent trafficking in human beings, to prosecute the traffickers and to provide protection to victims and safeguard their human rights. It applies to all victims of trafficking and all forms of exploitation, including sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. It also covers all forms of trafficking, national and transnational, related or not to organised crime. The Group of Experts on Action against Trafficking in Human Beings (GRETA), an independent expert body, monitors the implementation of the Convention by the Parties. A Committee of the Parties may make recommendations to a Party concerning the measures to be taken to follow up GRETA's reports and conclusions. The Parliamentary Assembly of the CoE has produced a handbook setting out ways for Parliamentarians to press for the ratification and the application of this Convention by introducing legislation, allocating funds and lobbying their governments.

Multiple discrimination

30. The Council of Europe considers that any form of discrimination, on any ground, constitutes a violation of human rights. This is borne out by its human rights instruments, including the ECHR (article 14) and Protocol 12 to the ECHR, which prohibit not only racial discrimination and discrimination on related grounds, but also discrimination on grounds of gender, sexual orientation, disability and age.

31. CoE is aware of the combined impact of multiple grounds of discrimination and takes these into account in its activities.
 32. The Committee of Ministers has considered the impact of multiple discrimination in a series of recommendations to member states. Recommendation (2002)5 “on the protection of women against violence” addresses the particularly vulnerable situation of immigrant women.⁹ Recommendation Rec(2003)3 of the Committee of Ministers “on balanced participation of women and men in political and public decision making” recommends that member states “encourage greater involvement of ethnic and cultural minorities, and especially women from these minorities, in decision making at all levels.”¹⁰ Recommendation CM/Rec (2007) 17 of the Committee of Ministers “on gender equality standards and mechanisms”, which is a sort of checklist to assess the way and the extent in which gender equality is pursued in the country, contains a chapter devoted to the specific situation of vulnerable groups exposed to multiple discrimination.
 33. The Council of Europe Disability Action Plan 2006-2015, adopted by the Committee of Ministers in April 2006, highlights that some people with disabilities experience discrimination on a combination of grounds. It notes, for example, that people with disabilities from minorities and migrant communities have a higher risk of exclusion and generally have lower levels of participation in society than other disabled people. It recommends a cross-cutting response to such situations, whereby policy makers acknowledge and address the barriers and challenges faced by each of these groups.
- III. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels**
34. Part III of the DPA focuses on the range of measures needed to eradicate racism, racial discrimination, xenophobia and related intolerance in the long term as well as to address current forms through legislative and policy measures.
 35. The CoE’s work in this field monitors the action taken by member states and provides them with detailed guidelines on improvements. The CoE also undertakes continent-wide activities and co-ordinates cross-fertilisation of experiences between European countries. These problems have long plagued Europe, and effectively combating them requires broad-ranging changes in societal institutions and longstanding practices as well as individual and group attitudes and behaviours. This can only be achieved through recognising problems; enacting effectively implemented legislation; creating specialised institutions to promote change, strengthen measures and provide expert advice in this area; adopting policies aimed at combating all forms of direct and indirect discrimination; positive action to achieve full and effective equality and facilitate full participation; long-term educational and awareness raising work to combat racist stereotypes and promote appreciation of diversity; and changing the nature of the information and ideas about minorities and immigrants disseminated by public opinion leaders, such as the media and politicians.

Legal protection against racism, racial discrimination, xenophobia and related intolerance

36. Since the WCAR, Council of Europe bodies have significantly advanced European legal protection against racism, racial discrimination, xenophobia and related intolerance.
37. The European Court of Human Rights (ECtHR), which safeguards the respect of obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) by issuing judgments which are legally binding on State Parties, has made a number of decisions which significantly reinforce protection against racial discrimination and certain forms of racially motivated crimes. Based on the premise that “racial violence is a particular affront to human dignity” and “racial discrimination a particularly invidious kind of discrimination”, the ECtHR requires “special vigilance and a vigorous reaction” from the authorities. It also insists that “the authorities must use all available means to combat racism, thereby reinforcing democracy’s vision of a society in which diversity is not perceived as a threat but as a source of enrichment.”¹¹
38. In a decision in July 2005, the ECtHR recognised the obligation of authorities to investigate the possible racist motives of violent acts committed by law enforcement officials.¹² In a decision of May 2007, the Court extended this obligation to the investigation of violent acts committed by individuals. The Court stressed that “treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights.”¹³
39. In a decision in November 2007, a case involving the segregated schooling of Roma children, the ECtHR clarified that ‘intent’ is not part of the test of discrimination and that the ECHR’s prohibition against discrimination covers indirect discrimination.¹⁴ It also made clear that statistical evidence may constitute prima facie evidence.¹⁵ These rulings significantly expand the Court’s role in respect of measures to eliminate the widespread practices of indirect discrimination which affect minority groups across Europe.
40. In addition, Protocol 12 to the ECHR entered into force on 1 April 2005. So far, 37 of the Council of Europe’s 47 member states have signed the Protocol, and 17 have ratified it. Protocol 12 adds a free-standing non-discrimination provision to the ECHR, extending the ECHR’s protection against discrimination to “any right secured by law”. Protection under Article 14 only applies to the enjoyment of those rights guaranteed by the ECHR. Protocol 12 therefore opens the way for the ECtHR to rule on states’ obligations regarding the many cases of discrimination previously outside the ECHR’s scope that occur across Europe.
41. The European Committee for Social Rights (ECSR), which monitors compliance by states with their obligations under the European Social Charter (ESC), has made clear that Article E, the non-discrimination provision of the ESC, applies to both direct and indirect forms of discrimination. It has further specified that indirect discrimination may arise by failing to take due and positive account of all relevant differences or by failing to take adequate steps to ensure that the rights and collective advantages which are open to all are genuinely accessible by and to all.¹⁶ This decision imposes an obligation upon all State Parties to the ESC to take positive steps to ensure that all the rights set out in the ESC are effectively guaranteed for everyone without discrimination.

42. Furthermore, a Group of Specialists on Nationality is currently working on the basis for a new legal instrument on rights of children to nationality. One of the topics which the Group is dealing with and which could be covered by a future legal instrument is registration of birth with a view to avoiding statelessness.
43. In December 2002, ECRI adopted General Policy Recommendation No.7 on “National legislation to combat racism and racial discrimination” (GPR 7). This is the most comprehensive and detailed international legal text in this field. It sets out clear and detailed guidelines concerning the components which states should include in such legislation. The Recommendation covers constitutional, criminal, civil and administrative law and also includes a section on “common provisions” describing mechanisms which are important for effective implementation.
44. One of the most important and progressive aspects of GPR 7 is that it provides guidelines for a legislative framework which not only provides a remedy to individual victims of particular racist and discriminatory acts, but also serves as an anchor for preventing and eliminating widespread racial discrimination in society’s public and private institutions. It recommends, for instance, that legislation should place public authorities under a duty to promote equality and to prevent discrimination in carrying out their functions; provide that relevant non-governmental organisations may bring complaints even without a specific victim; provide for the possibility of imposing a programme of positive measures on the discriminator and impose an obligation to review legislation and regulations for conformity with the principle of non-discrimination.
45. Another noteworthy aspect of GPR 7 is the list of acts which it recommends that states should penalise. These cover genocide; leadership or support for a group which promotes racism or participation in its activities; and racial discrimination in the exercise of one’s public office or occupation. GPR 7 makes very clear ECRI’s position, consistent with the jurisprudence of the ECtHR¹⁷, that the right to freedom of expression does not extend to protecting racist expression. Thus it sets out specific acts of racist expression which should be penalised when committed intentionally, including:
 - a) public incitement to violence, hatred or discrimination;
 - b) public insults and defamation;
 - c) threats against a person or a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;
 - d) the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin;
 - e) the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes;
 - f) the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by paragraphs a), b), c), d) and e);¹⁸

46. In addition, GPR 7 stipulates that for all other criminal offences the law should provide that racist motivation constitutes an aggravating circumstance.
47. Recently, the Council of Europe's European Commission for Democracy through Law ("the Venice Commission") examined European legislation on blasphemy, incitement to hatred (including religious hatred) and religious insult. Having studied the relevant international standards, including the case-law of the European Court of Human Rights, as well as the recommendations adopted by the Committee of Ministers, the Parliamentary Assembly and ECRI, the Venice Commission report concludes that incitement to hatred, including religious hatred, should be subject to criminal sanctions. This is already the case in almost all European states. The report finds that it is neither necessary nor desirable to create an offence of religious insult (i.e.: insult to religious feelings) as such, without the element of incitement to hatred as an essential component of the offence. The report also recommends that the offence of blasphemy should be abolished. While recognising the important task of independent courts in deciding whether a statement amounts to incitement to hatred or in ruling on civil-law claims for damages, the Commission stresses the need for a new ethic of responsible intercultural relations in Europe and in the rest of the world going well beyond the realm of the law and into the areas of education and awareness-raising. On the one hand, ethical behaviour can prompt a responsible exercise of the freedom of expression. On the other hand, the level of tolerance of individuals who would feel offended by the legitimate exercise of freedom of expression should be raised. Open debate and persuasion, as opposed to a ban or oppression, are the most democratic means to protect fundamental values and counter shocking or anti-democratic ideas.¹⁹

Establishment and reinforcement of independent specialised national institutions

48. ECRI is the Council of Europe's independent specialised body responsible for combating racism, racial discrimination, xenophobia, anti-Semitism and related intolerance. ECRI's action covers all necessary measures to combat violence, discrimination and prejudice against persons or groups of persons on grounds of race, colour, language, religion, nationality or national or ethnic origin. The entirety of its work furthers implementation of the DPA. ECRI's task is to provide CoE member states with concrete and practical advice on how to tackle problems of racism, racial discrimination, xenophobia, anti-Semitism and related intolerance in their country. To this end, it examines the legal framework in each country for combating racism and racial discrimination, its practical implementation, the existence of independent bodies to assist victims of racism, the situation of vulnerable groups in specific policy areas (such as education, employment and housing.) and the tone of political and public debate around issues relevant for these groups.
49. ECRI has made clear that the obligations of states in this area, as in other areas of human rights, include both negative obligations (refraining from discriminating) and positive obligations (actively guaranteeing equality). This means that on the one hand states must not discriminate - through laws, policies, practices of state actors or any other act. And on the other hand it means that states must ensure that individuals are adequately protected against discrimination by non-state actors, and that states must take the necessary actions - legislative, administrative, budgetary, judicial and promotional - to ensure that individuals may fully realise their right to be free from discrimination and enjoy full equality in practice.
50. The Political Declaration adopted by Ministers of the CoE member states at the concluding session of the 2000 European Conference against Racism (European

Contribution to the World Conference) contained a commitment “To consider how best to reinforce European bodies active in combating racism, discrimination and related intolerance, in particular the European Commission against Racism and Intolerance.” On 13 June 2002, the Committee of Ministers of the Council of Europe adopted an autonomous Statute for ECRI, thereby providing it with a firm legal basis and consolidating its role as an independent human rights monitoring body. ECRI’s statutory activities include country-by-country monitoring of phenomena of racism and discrimination with specific recommendations addressed to each country separately; the drafting of standards on important issues in the fight against racism in Europe in the form of General Policy Recommendations; and communication and co-operation activities with civil society actors in order to ensure that ECRI’s anti-racist message and work filter down to the grassroots level.

51. The Council of Europe’s body with a more general mandate to promote the effective observance of human rights, the Commissioner for Human Rights (CHR), also focuses extensively on issues of racism, discrimination, xenophobia and related intolerance, and covers them consistently during his country monitoring visits. The CHR also carries out special visits to member states to investigate emergencies faced by a particularly vulnerable group followed by recommendations to the government concerned for remedying the situation.
52. In addition to its own European-level work as a specialised body in this field, ECRI has since early in its work stressed the important role of independent specialised bodies at national level in combating racism and racial discrimination. Its second General Policy Recommendation, adopted on 13 June 1997, focused on “Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level.” In GPR 7, ECRI sets out the different powers which should be included in the competence of such bodies in the context of legislation aimed at combating racism and racial discrimination.²⁰ In line with the DPA, ECRI has stepped up its co-operation with national specialised bodies in this field. In particular, it has held a number of meetings with representatives of these bodies focused on complex issues of mutual interest which are important to the fight against racism and discrimination. These meetings have to date focused on anti-discrimination legislation and the role of specialised bodies (November 2003); mediation and other forms of dispute resolution in cases of racism and racial discrimination (February 2006); positive action (February 2007) and the relationship between integration and the fight against racism and racial discrimination (February 2008).

Data collection

53. Council of Europe monitoring bodies, and especially ECRI and the Advisory Committee to the Framework Convention for the Protection of National Minorities (FCNM), work on an ongoing basis to implement the DPA in the area of data collection.
54. In its country monitoring, ECRI systematically inquires into the availability of data about different minority groups and about measures to combat racism and racial discrimination and recommends that such data be gathered. ECRI regularly recommends to the governments of member states of the Council of Europe to collect relevant information broken down according to categories such as nationality, national or ethnic origin, and language and religion and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. ECRI stresses that these

efforts should take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.

55. ECRI also asks governments to collect data on the perception of discrimination by potential victims of discrimination.²¹ Lastly, ECRI encourages member states to monitor the effectiveness of criminal and civil law provisions by developing and maintaining systems for recording incidents of racism, intolerance and discrimination.
56. In addition, from March 2004 to March 2005, ECRI undertook a consultation and deliberation process on the issue of ethnic data collection. It organised a consultation meeting with international NGOs on this topic as well as a seminar with national specialised bodies. In November 2007, ECRI also commissioned a study report, entitled "Ethnic statistics and data protection in the Council of Europe countries", which provides an overview of the existing legal and practical framework for ethnic data collection in Council of Europe member states.²²
57. The Advisory Committee also consistently examines in its country monitoring work the availability of statistical data on the situation of persons belonging to national minorities and on the implementation of laws pertaining to racism and discrimination. It has frequently noted that discrepancies in estimates as to the numbers of persons belonging to national minorities can "seriously hamper the ability of the state to target, implement and monitor measures to ensure the full and effective equality of persons belonging to national minorities." Noting sensitivities which frequently exist among national minorities as concerns data collection, the Advisory Committee has highlighted that alternative methods of data collection may be used, such as *ad hoc* studies, special surveys, polls or other scientifically sound methods.

Actions, including positive measures, to eliminate racism and racial discrimination across key fields of life

58. The DPA urged states to take a wide range of action-oriented policies, including positive measures to ensure non-discrimination in key fields of life.
59. Furthering such measures is a fundamental aspect of ECRI's work. Through its country-by-country approach, ECRI examines the measures which the authorities in each CoE member state are taking to combat problems of racism and racial discrimination in key fields such as housing, social services, education, employment, health, law enforcement and participation in public life. It then makes recommendations for additional measures and improvements in the implementation of existing measures, where necessary. Taken together the recommendations in ECRI's third monitoring cycle, which took place from January 2003 until the end of 2007, present a comprehensive and detailed roadmap for addressing problems of racism and discrimination in most key fields of life. In its fourth monitoring cycle, begun in January 2008, ECRI is focusing on how its main recommendations from previous reports have been followed up and implemented by states.
60. ECRI has also issued General Policy Recommendations which focus on certain fields of life. In December 2006 it adopted General Policy Recommendation No.10 specifically focused on "Combating racism and racial discrimination in and through school education". Its most recent General Policy Recommendation No.11 focuses on "Combating racism and racial discrimination in policing" (adopted on 29 June 2007). The Recommendation focuses on racial profiling; racial discrimination and racially motivated misconduct by the police; the role of the police in combating racist offences and monitoring racist incidents; and relations between the police and members of

minority groups.”²³ In each of these areas it recommends that member states take a range of measures.

61. In both its country work and its General Policy Recommendations, ECRI regularly encourages states to take positive measures designed either to prevent or compensate for disadvantages suffered by persons belonging to minority groups or to facilitate their full participation in all fields of life. These include measures such as information and outreach programmes; assistance and support services; training and capacity building initiatives; financial and material support; conditions to provide access to property and resources; and targets to promote employment and public participation.
62. Article 4(2) of the FCNM provides that: “The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities”. This provision requires measures which take into account the specific conditions of the persons concerned, where this is important in bringing about full and effective equality.²⁴ The Advisory Committee monitors the application of the provisions of the FCNM in each of the 39 member states which have ratified this Convention. Under Article 4, it systematically evaluates the strategies and measures, including positive measures, which states have taken to combat discrimination against persons belonging to national minorities in key fields of life.
63. In May 2008, the Congress of Local and Regional Authorities adopted a Resolution and recommendation on the “social approach to the fight against racism at local and regional level”.²⁵ In these documents the Congress calls on local and regional authorities to use their substantial powers to take a wide range of active measures to combat all forms of racism.

Politicians and political parties

64. In September 2003, the President of the CoE’s Parliamentary Assembly (PACE), along with the President of the European Parliament, signed the Charter of European Political Parties for a Non-Racist Society. The Charter calls on political parties to act responsibly when dealing with issues related to race, ethnic and national origin and religion. It encourages political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system. PACE also adopted its own resolution on “racist, xenophobic and intolerant discourse in politics.”²⁶ In this Resolution, it strongly encourages the application of this Charter throughout Europe. It also expresses support for the establishment of a permanent body representative of political parties from all Europe to monitor implementation of the Charter. In addition it recommends that political parties in all member states of the Council of Europe sign the Charter, fully and effectively implement its provisions and co-operate in the establishment and thereafter in the activities of a supervisory body.
65. In March 2005, ECRI adopted a Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse. The Declaration suggests the following practical and self-regulatory measures which can be taken by political parties or national parliaments; the signature and implementation by European political parties of the Charter of European Political Parties for a Non-Racist Society; effective implementation of criminal law provisions against racist offences; the adoption and implementation of provisions penalising the leadership of any group which promotes

racism, as well as support for such groups and participation in their activities; and the establishment of an obligation to suppress public financing of organisations which promote racism, including public financing of political parties. ECRI also calls on political parties to formulate a clear political message in favour of diversity in European societies and for courageous and effective political leadership which respects and promotes human rights. ECRI also regularly addresses this problem in its country monitoring work and has developed extensive standards on the subject.

Education and awareness-raising measures

66. Furthering the DPA in the area of education and awareness-raising, the CoE has carried out a wide range of activities to eliminate racism and racial discrimination in the education sector, promote appreciation of diversity and tolerance, develop intercultural dialogue and more generally further democratic culture and human rights values. These activities include elaborating European legal standards, providing legal and policy guidance to states, forums, seminars, training programmes, curriculum development and Europe-wide campaigns.
67. In March 2006, the Advisory Committee adopted a “Commentary on Education”.²⁷ It provides detailed guidance to states which can be used in the design and implementation of educational policies concerning minorities and intercultural education.²⁸ The Commentary points out that: “the Framework Convention requires not only the protection of minority cultures and languages, but also the dissemination and development of intercultural contacts and dialogue, the encouragement of a spirit of tolerance in all educational efforts and even an ethos of bilingualism and plurilingualism with regard to languages. Different situations and different groups may need to be treated differently in order to ensure effective equality and access to good quality education for all persons.”²⁹
68. ECRI’s GPR 10 on “Combating racism and racial discrimination in and through school education” recalls that “education is an important tool for combating racism and intolerance”, but that “it is also an area in which racism and racial discrimination can exist, with harmful consequences for children and society as a whole.” ECRI recommends that the governments of member states take a number of measures to ensure compulsory, free and quality education for everyone; combat racism and racial discrimination at school; and train the entire teaching staff to work in a multicultural environment.
69. Through its programme on Education for Democratic Citizenship and Human Rights the Council of Europe strives to promote education which contributes to the eradication of racism, racial discrimination, xenophobia and related intolerance. Current priorities are policy development (e.g. legislation, curriculum, evaluation and assessment), teacher training (both initial and in-service, for teachers of all subjects) and democratic governance of educational institutions (including decision making/participation mechanisms, teaching/learning methodology and school ethos). Within higher education, the Council of Europe has focused specific efforts on promoting intercultural dialogue and “democratic culture”.
70. From June 2006 to September 2007, the Council of Europe ran a Europe-wide youth Campaign for Diversity, Human Rights and Participation entitled “All Different-All Equal”. Seminars, forums, training workshops, sports and cultural events and a wide range of other activities were undertaken at local, national and international levels. The youth sector of the Council of Europe also organises training programmes,

intercultural language courses, seminars and conferences on human rights education in the broadest sense on a more permanent basis for youth leaders, youth organisations and their members.

71. A new Anti-Discrimination Campaign with the slogan “Speak out against discrimination” is being run in co-operation with journalism training institutes and media partners in 2008-2009. The Campaign supports and develops ongoing work to prepare young journalists to deal adequately with discrimination and issues of cultural diversity in society. In co-operation with journalism training institutes, the Council of Europe will help to develop a “training kit” and the curriculum of a “summer university”.
72. The Campaign will encourage the media to adopt or strengthen a voluntary policy promoting the access of individuals (belonging to minorities) to their internal organisation in all its branches. The Council of Europe will support these voluntary policies through the exchange of good practice and contribute to the debate with the social partners on an industry-wide “code of ethics” and other forms of commitment. The Campaign will encourage media professionals to provide the public with information on existing legal protection, the role of ombudspersons and mediators, the work of monitoring bodies and similar mechanisms to act against and prevent discrimination. The Campaign will also engage local authorities, particularly those involved in projects such as “Intercultural Cities”, as well as sport organisations and media professionals.
73. Sport can be an important vehicle for promoting tolerance and raising awareness about the need to reject all forms of racism. In September 2004, the Council of Europe organised a Conference in Istanbul on the contribution of sport to intercultural dialogue. The Conference issued a Declaration which stressed that: “the fundamental values of sport, such as fair play, mutual respect, peaceful co-existence, tolerance and the fight against racism, xenophobia and anti-Semitism, need to be upheld and furthered.” The Congress of Local and Regional Authorities has also issued a Recommendation on integration through sport. This Recommendation invites local authorities to use sporting activities as a means of promoting the integration of people from immigrant backgrounds³⁰. On the occasion of the 2008 UEFA European Football Championship, ECRI issued a declaration on the topic of combating racism in football. ECRI is also currently preparing a General Policy Recommendation specifically focused on combating racism in sport.

Intercultural dialogue

74. The CoE has in recent years undertaken numerous initiatives to promote intercultural dialogue and mutual understanding. The Third Summit of Heads of States and Governments (2005) made intercultural dialogue a priority of the Organisation. It launched strategies to manage and promote cultural diversity while ensuring the cohesion of societies and encouraged intercultural dialogue including its religious dimension. This was fleshed out in the “Faro Declaration on the Council of Europe’s Strategy for Developing Intercultural Dialogue”, adopted by the Ministers of Culture later in 2005. Promoting and protecting diversity in a spirit of tolerance was also the theme of various instruments which the Council of Europe has adopted since 2001 - conventions and agreements engaging all or some of the member states as well as recommendations, declarations and opinions.³¹ Furthermore, between 2001 and 2007, the Commissioner for Human Rights organised a series of seminars on inter-faith dialogue which included issues concerning education and the relationship of the state with religious communities. The inclusion of factual information about major religions in educational curricula was stressed as a means to prevent racism and xenophobia.

75. In May 2008, the Committee of Ministers of the Council of Europe published a “White Paper on Intercultural Dialogue” under the title “Living Together as Equals in Dignity”. The White Paper provides a conceptual framework and a guide for policy-makers and practitioners. It argues that our common future depends on the ability to safeguard and develop human rights, as enshrined in the European Convention on Human Rights, democracy and the rule of law and to promote mutual understanding. Intercultural dialogue can only thrive, the White Paper maintains, if certain preconditions are met. To advance intercultural dialogue, the democratic governance of cultural diversity should be adapted in many aspects; democratic citizenship and participation should be strengthened; intercultural competences should also be taught and learned; spaces for intercultural dialogue should be created and widened; and intercultural dialogue should be taken to the international level.

Information, communication and the media, including new technologies

76. Numerous Council of Europe bodies have taken measures to further the DPA in the area of information, communication and media. These measures include several standard-setting instruments aimed at dealing with the problem of racist and xenophobic material disseminated via the internet.
77. The PACE adopted a Recommendation on “The Image of Asylum-seekers, Migrants and Refugees in the Media”.³² In its country monitoring work, ECRI regularly examines the role the media in each country is playing as a vehicle for either promoting or combating racist ideas. Both the PACE and ECRI recommend that this issue should be addressed through a variety of measures including hate speech legislation and its effective implementation against the media where provisions are violated; self-regulation by the media profession; guidelines; complaints procedures; training; incentive programmes and the inclusion of diversity within the media.
78. On 28 January 2003, an Additional Protocol to the Convention on Cybercrime was opened for signature. This instrument requires State Parties to adopt such legislative and other measures as may be necessary to establish the following conduct as criminal offences under their domestic laws:
- dissemination of racist and xenophobic material through computer systems;
 - racist and xenophobic motivated threats performed through a computer system;
 - racist and xenophobic motivated public insults through a computer system;
 - disseminating through a computer system any material which denies, grossly minimises, approves or justifies acts constituting genocide or crimes against humanity;
 - aiding and abetting the commission of any of the above offences.
79. The Protocol aims at harmonising criminal law in the fight against racism on the Internet and improving international co-operation in this area. By October 2008, the Protocol had been ratified by 13 countries and signed by another 20 countries.
80. The CoE Committee of Ministers also addressed this issue in a 2005 Declaration on Human Rights and the Rule of Law in the Information Society.³³ For its part, ECRI adopted a specific Recommendation (GPR 6) providing detailed guidelines on Combating

the Dissemination of Racist, Xenophobic and Antisemitic Material Via the Internet. The Recommendation covers legal measures as well as training, consultation, self-regulation, awareness-raising and co-operation measures. In addition, the CoE has also developed, in partnership with the private sector, a set of human rights guidelines for online games providers. Providers are encouraged to pay particular attention to “content which conveys messages of aggressive nationalism, ethnocentrism, xenophobia, racism and intolerance in general including when such messages are concealed...”³⁴

IV. Effective remedies/redress, compensation

81. The CoE, through the legal complaints mechanisms provided by the ECHR and the ESC, directly implements the DPA's recommendations concerning the provision of recourses and remedies to victims of acts of racism, racial discrimination, xenophobia and related intolerance. It also provides considerable guidance to states about what to do at national level to ensure that recourses in this area in fact provide effective means of redress and remedy for such victims.

Council of Europe recourses for victims of discrimination

82. Under the ECHR, the victims of discrimination have access to an international remedy for acts of racial discrimination once domestic judicial remedies have been exhausted. Article 14 provides protection for discrimination with respect to all the rights contained in the ECHR. For those states which have ratified Protocol 12 (currently 17), this protection extends to “any right secured by law”. As explained above (see § 40), this protection covers all discrimination by a public authority on any ground. This includes grounds such as nationality and religion.
83. The ECtHR decides on violations of the ECHR alleged by any affected individual or by a State Party. The Court's judgments (finding violations) are legally binding on the respondent states, and the execution of the judgments is supervised by the Committee of Ministers which is the political body of the Council of Europe. In essence, this means that the Committee of Ministers ensures that the respondent states adopt all measures required by the judgment. These include the payment of pecuniary compensation, but often other measures as well - measures to grant the applicant, so far as possible, *restitutio in integrum* (i.e. redress the violations found) and/or general measures to prevent new similar violations, for example through changes in law and practice.
84. The European Social Charter (ESC) also provides for an optional collective complaints mechanism (so far accepted by 14 European states) which permits certain non-governmental organisations, employers' organisations and trade unions to lodge complaints alleging violations of the ESC with the European Committee of Social Rights (ECSR). The mechanism is accessible and speedy. There is no need to exhaust domestic remedies and no need to be a victim. The collective complaints mechanism ensures that some of the most vulnerable groups such as Roma who may have difficulties accessing more formal types of remedies may in fact have their complaint heard. In four cases already heard, the ECSR found a violation of the right of Roma to housing³⁵. Five other cases alleging discrimination against Roma are pending³⁶.

Council of Europe recommendations to member states concerning remedies, recourse and redress for victims of discrimination

85. As discussed above (see under legal protection), ECRI provides detailed guidelines to states as to the provisions which they should include in their legal framework to address

acts of racism and racial discrimination in a comprehensive way. ECRI also recommends that the law should provide for effective, proportionate and dissuasive sanctions for such offences and for ancillary or alternative sanctions.

86. In its GPR 7 ECRI sets out guidelines relating to tools that states should put in place so that available recourses will be both accessible and useable. These include possibilities for relevant organisations to bring civil cases, intervene in administrative cases and make criminal complaints even if a specific victim is not referred to; possibilities for free legal aid, a court-appointed lawyer and interpretation free of charge; and protection of alleged victims of racist or discriminatory acts, those who report such acts or those who provide evidence against retaliatory measures. GPR 7 also highlights the specific and important role which specialised bodies to combat racism and racial discrimination play in the effective implementation of legislation in this area. The recommendation suggests that national legislation attribute powers to these bodies allowing them to: provide assistance to victims; investigate specific cases; and initiate and participate in court proceedings. The standards from ECRI's third cycle of country-by-country reports also provide detailed guidelines for improving the implementation of legislation aimed at combating racism and racial discrimination - civil, administrative and criminal.³⁷
87. The CHR also assesses the effectiveness of remedies following complaints of racism and all forms of discrimination during his country visits. He has placed particular emphasis on the need for easily accessible complaints mechanisms, such as independent ombudsman institutions or specialised bodies, and on the availability of legal advice to complainants. The CHR stresses that sanctions and compensation should be effective and dissuasive towards potential perpetrators. In May 2008, the Commissioner organised a workshop on the efficiency and independence of police complaints mechanisms. Among other issues, the workshop highlighted the difficulties complainants face when challenging racist and homophobic police misconduct.
88. The Council of Europe Group of Specialists on remedies for crime victims has prepared, under the authority of the European Committee on Legal Co-operation (CDCJ), a report on non-criminal remedies for crime victims. Throughout the report there are references to vulnerable groups of victims, including victims of harassment linked to discrimination on the basis of race, colour, religion, ethnicity, national origin, disability, gender, age, sexual orientation or homelessness. The report also addresses the issue of legal assistance. The CDCJ has endorsed the report and submitted it to the Committee of Ministers which, during its 1037th meeting on 8 October 2008, decided to bring it to the attention of the Council of Europe member states. Following the conclusions in the report, it is foreseen to ensure its wide dissemination, including the organisation of awareness-raising events about the needs of victims and examples of best practices.
89. Human rights defenders can give important assistance to victims of discrimination in using existing remedies. The Council of Europe has in recent years taken steps to ensure a secure environment for human rights defenders, including NGOs, so that they can carry out their work without impediment.³⁸ In particular, the Commissioner for Human Rights has strengthened his role in protecting and supporting defenders.

V. Conclusion

90. As this contribution indicates, the CoE has undertaken considerable action to combat racism, racial discrimination, xenophobia and related intolerance across Europe. At the level of the Europe of 47 member states, important international legal instruments and

mechanisms necessary to ensure the effective protection against racism, racial discrimination, xenophobia and related intolerance are in place. They have also been adapted to take account of new challenges, such as the use of computer systems. Landmark judgments of the ECtHR have significantly strengthened ECHR protection against racial discrimination.

91. However, further efforts need to be made as regards further ratifications of Protocol No.12 to the ECHR and the implementation in practice by all member states of the detailed guidelines and recommendations from ECRI, the HCR and the Advisory Committee of the FCNM.
92. Advances have undoubtedly been made at national level. Most noteworthy are the significant developments in the area of legislation against racist acts and racial discrimination along with the creation of specialised bodies for combating racism and racial discrimination. Many states have taken a wide array of measures to combat problems of racism and discrimination in specific fields of life, such as employment and education. They have also adopted action plans against racism and more specifically to improve the situation of Roma.
93. However, despite these efforts, racism, racial discrimination, xenophobia and intolerance remain pervasive in Europe and are even increasing in some areas. Examples of these worrying trends can be found in ECRI's third cycle country reports, which document the situation in Europe over the last six years: anti-Semitism has taken on new forms, anti-Gypsyism continued to spread, and Islamophobia intensified.
94. Particular challenges for anti-racism efforts are posed by two issues at the centre of the European political agenda: the fight against terrorism and integration.
 - Anti-terrorism: Discourse around the terrorist threat often involves sweeping generalisations relating certain groups of the population, such as Muslims and immigrants, to terrorism, insecurity, and fundamentalism. This is a very dangerous trend which has not yet been adequately recognised or addressed. Furthermore, anti-terrorist legislation, policies and practices have in some cases resulted in direct and indirect discrimination (racial profiling by law enforcement officials is one example). Such racism and discrimination do nothing to combat terrorism, but significantly undermine the many other efforts which states are taking to combat racism, racial discrimination, xenophobia and intolerance. In this regard, ECRI's General Policy Recommendation No.8 on combating racism while fighting terrorism has particularly useful guidelines as does its General Policy Recommendation No.11 on combating racism and racial discrimination in policing, which addresses the issue of racial profiling.
 - Integration: Often debates around integration in many European countries degenerate into dissemination of racist stereotypes and xenophobia concerning minority groups and migrants. These debates continue to be centred on actual or perceived "deficiencies" among the minority and migrant population and point the finger to them as exclusively responsible for a "lack of integration". It will be essential to highlight in this context that the success of any integration strategy hinges on the importance it attaches to equality and combating racial discrimination. It will be important to emphasise that integration is a two-way process involving mutual recognition of the majority and minority groups. The 2008 Council of Europe White Paper on Intercultural Dialogue provides useful guidance in this regard.

¹ In the 1973 case of *East African Asians v. the United Kingdom* the European Commission for Human Rights first recognised that discrimination could constitute degrading treatment. It stated that “a special importance should be attached to discrimination based on race, and that publicly to single out a group of persons for differential treatment on the basis of race might, in certain circumstances, constitute a special form of affront to human dignity... differential treatment of a group of persons on the basis of race might be capable of constituting degrading treatment in circumstances where differential treatment on some other ground, such as language, would raise no such question.” Later cases of the European Court of Human Rights also indicate that discrimination on other grounds can reach the level of degrading treatment where it indicates contempt or a lack of respect for the personality of individuals.

² In its General Policy Recommendation No.7 on “National legislation to combat racism and racial discrimination” adopted on 13 December 2002, ECRI defined racism broadly as meaning: “the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.”

³ These include: Romani language framework curriculum, Roma history factsheets, guidebook for Roma School mediators/assistants, preschool teaching kit, toolkit to combat prejudices and stereotypes, etc.

⁴ Rec(2000)4 on the education of Roma/Gypsy children in Europe, Rec(2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe, Recommendation Rec(2004)14 on the movement and encampment of Travellers in Europe, Recommendation Rec(2005)4 on improving the housing conditions of Roma and Travellers in Europe, Recommendation Rec(2006)10 on better access to health care for Roma and Travellers in Europe.

⁵ Rec (2008)5 on policies for Roma and/or Travellers in Europe.

⁶ *D.H. and others v. Czech Republic*, (Application no. 57325/00), 13 November 2007, Grand Chamber.

⁷ ECRI, CRI(2008)26.

⁸ Preamble, GPR 9.

⁹ It notes with concern that women are often subjected to multiple discrimination on grounds of their gender as well as their origin. It also contains specific provisions aimed at protecting immigrant women, who are in a particularly vulnerable situation. It recommends that member States should “ensure that all services and legal remedies available for victims of domestic violence are provided to immigrant women upon their request” (paragraph 24). It also recommends that States should “consider, where needed, granting immigrant women who have been/are victims of domestic violence an independent right to residence in order to enable them to leave their violent husbands without having to leave the host country.” (paragraph 59)

¹⁰ Paragraph 26.

¹¹ See the case of *Nachova and others v. Bulgaria*, Applications nos. 43577/98 and 43579/98, 6 July 2005, Grand Chamber judgment at paragraph 145 and the case of *Timishev v. Russia*, 13 December 2005, Applications nos. 55762/00 and 55974/00 at paragraph 56.

¹² *Nachova*, *ibid.* at paragraph 160.

¹³ *Secic v. Croatia*, (Application no. 40116/02) 31 May 2007, at paragraph 67.

¹⁴ *D.H. and others v. Czech Republic*, (Application no. 57325/00), 13 November 2007, Grand Chamber at paragraph 175.

¹⁵ *D.H. and others*, *ibid.* at paragraph 188. With respect to proof of indirect discrimination, the Court stated: “In these circumstances, the Court considers that when it comes to assessing the impact of a measure or practice on an individual or group, statistics which appear on critical examination to be reliable and significant will be sufficient to constitute the *prima facie* evidence the applicant is required to produce. This does not, however, mean that indirect discrimination cannot be proved without statistical evidence.” paragraph 188.

¹⁶ Collective Complaint No. 13/2002, *Autisme-Europe v. France*, § 52.

¹⁷ Article 10 of the European Convention on Human Rights, which safeguards the right to freedom of expression, also fixes the limits within which this right may be exercised, as does Article 17, since it stipulates that nothing in the Convention, including Article 10 on freedom of expression, may be interpreted as implying for any person the right to destroy any of the rights and freedoms set forth therein. In its many judgments on this question, the European Court of Human Rights has clearly held that States’ actions to restrict the right to freedom of expression are justified under paragraph 2 of Article 10 or Article 17 of the Convention, in particular when such ideas or expressions violate the rights of others or are contrary to the spirit of the Convention.

¹⁸ GPR 7, Paragraph 18.

¹⁹ Report on the relationship between freedom of expression and freedom of religion: the issue of regulation and prosecution of blasphemy, religious insult and incitement to religious hatred, adopted by the Venice Commission at its 76th Plenary Session (Venice, 17-18 October 2008). The report (document CDL-AD(2008)026 is available on the website of the Venice Commission: [http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)026-E.asp?MenuL=E](http://www.venice.coe.int/docs/2008/CDL-AD(2008)026-E.asp?MenuL=E)

²⁰ These include: assistance to victims; investigation powers; the right to initiate, and participate in, court proceedings; monitoring legislation and advice to legislative and executive authorities; awareness-raising of issues of racism and racial discrimination among society and promotion of policies and practices to ensure equal treatment. GPR 7, Paragraph 24.

²¹ ECRI's position in this respect is based on its General Policy Recommendation No.4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims.

²² The study was written by Patrick Simon, commissioned by ECRI as an independent consultant.

²³ Introduction, Compilation of ECRI's General Policy Recommendations, at pp. 3-4, Strasbourg, October 2007.

Available on the Internet at:

http://www.CoE.int/t/e/human_rights/ecri/1%2Decri/3%2Dgeneral_themes/1%2Dpolicy_recommendations/eng-Compilation%20Rec%201-11.pdf

²⁴ See Paragraph 39 Explanatory Report to the FCNM.

²⁵ Resolution 264(2008) and Recommendation 246(2008).

²⁶ Resolution 1345(2003).

²⁷ Adopted at the Advisory Committee's 25th plenary session, held in Strasbourg from 27 February to 3 March 2006. This is the Advisory Committee's first thematic paper related to the implementation and monitoring of the Framework Convention for the Protection of National Minorities.

²⁸ The Commentary analyses the accumulated jurisprudence of the Advisory Committee with regard to guaranteeing the right of persons belonging to minorities to good quality, free primary education as well as general and equal access to secondary education (right to education). This jurisprudence also sets standards on how such education should be shaped in terms of content as well as form (rights in education) in order to facilitate the development of the abilities and personality of the child, guarantee child safety and accommodate the linguistic, religious, philosophical aspirations of pupils and their parents.

²⁹ Part III.

³⁰ Recommendation 233(2008), Integration through sport, 14th session, spring session, (Malaga 13 - 14 March, 2008)

³¹ The Framework Convention on the Value of Cultural Heritage for Society (2005) identified how knowledge of this heritage could encourage trust and understanding. Intercultural dialogue became a theme for Ministers responsible for culture in the Opatija Declaration (2003). The Parliamentary Assembly of the Council of Europe has contributed an array of recommendations, resolutions, hearings and debates on various aspects of intercultural and inter-religious dialogue. In Recommendations 245 (2008) on intercultural and interreligious dialogue: an opportunity for local democracy the Congress of Local and Regional Authorities draws attention to the role of local and regional authorities in facilitating intercultural and interreligious dialogue, building on the 12 principles for interfaith dialogue elaborated at its conference in Montchanin and further developed in its 2008 publication "Gods in the city".

³² Doc 11011, 10 July 2006. The recommendation highlights that: "The media plays an essential role in ensuring that issues linked to migration, refugees and asylum are portrayed in a fair and balanced way. It is therefore the media's responsibility to also reflect the positive contribution to society made by these persons, and to protect them from negative stereotyping. It is also important that media professionals among the migrants and asylum seekers represent their communities in the media, and that their views, and issues of interest to them and concerning them, be reflected in the media." (paragraph 5)

³³ The Declaration provides that "...member states should ensure that national legislation to combat illegal content, for example racism, racial discrimination and child pornography, applies equally to offences committed via ICTs." Paragraph I(1) Moreover, private sector actors are encouraged to take self- and co-regulatory measures addressing in a decisive manner "...hate speech, racism and xenophobia and incitation to violence in a digital environment such as the Internet..." Paragraph II(3) The Declaration also stresses that "any regulatory measure on the media and new communication services should respect and, wherever possible, promote the fundamental values of pluralism, cultural and linguistic diversity, and non-discriminatory access to different means of communication." Paragraph I(3)

³⁴ Guidelines to assist online games providers in their practical understanding of, and compliance with, human rights and fundamental freedoms in the Information Society, in particular with regard to Article 10 of the European

Convention on Human Rights, Paragraph 16. These guidelines were prepared by the CoE Group of Specialists on Human Rights in the Information Society in close cooperation with Interactive Software Federation of Europe (ISFE).

³⁵ European Roma Rights Center (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004; European Roma Rights Center (ERRC) v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005; European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006 and International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007.

³⁶ European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 46/2007; European Roma Rights Center (ERRC) v. Bulgaria, Complaint No. 48/2008; INTERIGHTS v. Greece, Complaint No. 49/2008; European Roma Rights Center (ERRC) v. France Complaint No. 51/2008.

³⁷ As concerns civil and administrative legislation ECRI's recommendations include: awareness-raising campaigns and training sessions aimed at judges, magistrates, lawyers and law enforcement officials on the content of relevant provisions and manifestations of racial discrimination in society; awareness raising measures aimed at the general public, groups vulnerable to racial discrimination, the legal community and other strategic partners about the civil and administrative legal framework in force against discrimination and the mechanisms for invoking it; close monitoring of the implementation of anti-discrimination legislation and measures to improve implementation; collecting data on the implementation of such legislation, notably on the number of complaints filed and the outcome of these complaints, including redress or compensation awarded.

As concerns the application of criminal legislation, ECRI's recommendations concern the role of political authorities, prosecution authorities and law enforcement agencies. They emphasise: the importance of a firm political commitment to prosecution; the need to improve recording, classification, investigation and prosecution of offences; the need for training and awareness raising measures aimed at all those working in the criminal justice system on existing legal provisions aimed at combating racist crimes and the need to take all acts of racism and racial discrimination seriously; the importance of recruiting members of minority groups into the police; steps to encourage victims of racist acts to come forward; and the need to keep criminal law provisions in this area under review and fine-tune them as necessary.

³⁸ In February 2008, the Committee of Ministers adopted a declaration which aims to ensure an enabling environment for all human rights defenders, including NGOs, to carry out their work without impediment. Further follow-up to the Declaration will take the form of an evaluation of the implementation of the Declaration in member states, to be carried out by the Steering Committee for Human Rights in co-operation with the Commissioner for Human Rights. In addition, in October 2007, the Committee of Ministers adopted Recommendation CM/Rec(2007)14 to member states on the legal status of non-governmental organisations in Europe. It aims to recommend standards to shape legislation and practice vis-à-vis NGOs, as well as the conduct and activities of the NGOs themselves in a democratic society based on the rule of law.

Intervento del Sottosegretario Scotti al Consiglio per i Diritti Umani delle Nazioni Unite (versione originale)

Ginevra 03 Marzo 2009

Mr. President, Distinguished Delegates,

It is an honour for me to take the floor, on behalf of Italy, on the occasion of the tenth session of the United Nations Human Rights Council.

Let me start by saying that Italy fully supports the statement of the Czech Republic, on behalf of the European Union: We are determined to pursue our ongoing efforts to make a substantial contribution to the objectives of the Council.

Also, I would like to take this opportunity to warmly greet the **High Commissioner for Human Rights**, Madame Navanethem Pillay. Allow me to express our full support for her mission and our readiness to closely cooperate with her. We hope that, due to her determination and commitment, human rights will progressively take a more central position in the agenda of the International Community.

Mr. President, Distinguished Delegates,

This session of the Council falls in the year of the **20th anniversary of the adoption of the Convention on the Rights of the Child**. The Convention marked a turning point in the history of human rights law, enshrining in a single document the civil, political, economic, social and cultural rights of the child. Every child has now the same rights and dignity as an adult. Moreover, the Convention has reached almost universal consensus, being one of the most widely ratified international instruments.

However, the contradiction between what was agreed in the Convention and what happens in reality remains striking. The gap between the law and its implementation challenges every day our capacity and our determination to live up to the expectations the text raised worldwide. We strongly encourage all States to become parties to the Convention and to effectively implement its provisions. In particular, we are deeply concerned about the very worrying phenomenon of juvenile executions which is expressly forbidden by the Convention.

In this regard, I would like to recall Italy's strong commitment towards the universal abolition of the **death penalty**. The adoption of a new resolution on a moratorium on capital executions by the sixty-third session of the UN General Assembly proved to be an extraordinary success, thanks to a wide cross-regional alliance. This reflects the growing trend towards the abolition of the death penalty. At the same time, this new resolution is a starting point that must be followed by concrete implementation worldwide. We will continue to work in close collaboration with all States that have supported the campaign for the UNGA resolution and with those that, while not fully sharing our commitment, are ready to discuss this issue.

Mr. President, Distinguished Delegates,

This session of the Council provides us with a good opportunity to address the most urgent and critical human rights issues and to strengthen the capacity of the Council to tackle them. It should not be missed by letting political or ideological confrontation come in the way.

My country has constantly advocated the protection and promotion of human rights through **dialogue and cooperation**. I strongly hope that this spirit will guide us during this session.

We are fully aware that this Council has not been exempt from criticism and has not always been able to live up to the expectations it raised when it was created. Let's not forget that we, each single State, bear the primary responsibility for the success or failure of the Council's capacity to answer to these growing expectations. Let's not forget that every session of the Council is a test of our willingness to seriously advance the protection and promotion of human rights worldwide.

Thanks to the decisions to be taken during this session, Italy is confident that the current system of special procedures aimed at protecting human rights will be maintained and reinforced. **Country and thematic mandates** are indeed crucial tools for the Council's action. Moreover, some of them are of particular importance as they deal with situations that require full attention and cooperation by the International Community.

In this regard, I would like to mention the mandate of the Special Rapporteur on the situation of human rights in **Myanmar**. Italy wishes this mandate to be renewed and strengthened so as to enhance the collaboration between the Government of Myanmar and the Special Rapporteur, resumed in 2008 by this Council after several years of interruption.

We believe that the situation of human rights in Myanmar should remain high in the agenda of the Council, also bearing in mind the general elections planned for 2010. We strongly encourage the Government of Myanmar to open a dialogue with all political and ethnic actors, with the aim of a substantial and swift transition towards democracy. We request this process to be credible and inclusive and in full compliance with international legal guarantees and human rights standards. We also believe that the Council must remain focused on this issue, in line with the commitments undertaken at previous sessions.

Italy also favours the extension of the mandate of the Independent Expert on Somalia. There is an increasing need for addressing the current human rights situation in Somalia, characterized by, inter alia, a growing number of internal displaced persons and recurrent violence affecting civilians. The Human Rights Council should not miss this opportunity to keep the Somali crisis at the centre of the International Community attention. We believe that the UN system should continue to make valuable contribution not only in monitoring the situation of human rights in the country, but also in providing assistance and support for the establishment of a durable and effective governance. For this reason, we support a resolution focused on cooperation and technical assistance, which will help strengthen the efforts of the Transitional Federal Institutions in this field.

Among the tools at the disposal of the Council, the **Universal Periodic Review** mechanism represents a unique instrument to review the human rights record of each and every UN Member State. This mechanism provides the opportunity for each country to enumerate the measures it has adopted to improve the domestic human rights situation and thus fulfill its human rights obligations. Currently, no other universal mechanism of this kind exists. However, we must not forget that its success will depend mainly on the commitment of States to ensure a credible follow up to the recommendations resulting from the review process.

The Universal Periodic Review is a long term process, where all stages are closely interlinked and equally important. We are confident that some of the **worrying trends** that had emerged in the last Universal Periodic Review session will be adequately addressed. We call on all States to engage in a constructive dialogue to devise effective solutions to these problems.

Mr. President, Distinguished Delegates,

Italy strongly believes that dialogue among cultures and religions is one of the keys to ensure peace and security in our increasingly interconnected societies.

In this respect, we are extremely concerned about the continuous reports of **manifestations of intolerance and discrimination based on religion or belief**. Italy urges all States to ensure the full protection of everyone's right to freedom of thought, conscience and religion, as recognized by the Universal Declaration of Human Rights. The Council should continue to address this issue and we look forward to the report to be presented by the Special Rapporteur during this session. We trust that the discussions will take place in an open and constructive atmosphere.

The same spirit should steer the ongoing negotiations on the **Durban Review Conference against racism, racial discrimination, xenophobia and related intolerance**. The Conference represents a unique chance to take stock of our efforts in the fight against racism and discrimination and to renew our commitment to it. It is essential that the negotiations do not divert from this goal. Provided this is the case, Italy is ready to continue to engage in this process. We cannot allow ourselves to let this opportunity fall prey to other political or ideological agendas.

Mr. President, Distinguished Delegates,

In conclusion, I would like to thank all of you for your kind attention, and to extend my best wishes for a successful session. More than sixty years after the adoption of the Universal Declaration of Human Rights we have a further chance to prove the strength and vitality of its principles. We should not miss this opportunity.

Thank you.

Fonte: Ministero Affari esteri

High-Level Segment Intervention
March Session of the Human Rights Council

Statement by Chargé d'Affaires of the United States of America,

Mark C. Storella

Geneva,
4 March 2009
As Prepared for Delivery

Thank you, Mr. President.

It is my great pleasure to be here today, and to address this body, on behalf of the United States.

My government has made the affirmative decision to actively re-engage as an observer in the Human Rights Council. We look forward to participating in the Council's deliberations and working closely with you in the coming weeks and throughout the year.

Indeed, we have much work to do. The challenges of this Council are many – as are those facing human rights advocates around the world.

As President Obama said in his recent address to a Joint Session of the United States Congress, “In words and deeds, we are showing the world that a new era of engagement has begun. For we know that America cannot meet the threats of this century alone. We cannot shun the negotiating table, nor ignore the foes or forces that could do us harm. We are instead called to move forward with the sense of confidence and candor that serious times demand.”

The United States looks forward to joining you in this and future sessions, and pledges to work alongside all those working in good faith to promote and protect the human rights of every person around the world.

A common refrain dominated last December's 60th anniversary of the Universal Declaration of Human Rights: While we are proud and grateful for the progress the world has made since 1948, there is much left to be done. In his inaugural address, President Obama reminded us that every generation must carry forward the belief that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.

We look forward to working with all Member and Observer States to do our best to achieve these aims. We will expect – of ourselves and of the governments in this chamber representing every region of the world – a willingness to overcome our differences and to unite in this common purpose.

Let me also state the United States remains concerned about the politicization of human rights, and about this Council's repeated singling out of one country. We are concerned about this Council's failure thus far to address some of the most egregious human rights violations in the world today, and about isolated but alarming attempts by some to use Council resolutions to undermine universal human rights, such as freedom of expression. We call on all in this chamber to recommit to advancing human rights for all – and to end the politicization of this effort.

Together, we need to ask this Council to address all human rights violations regardless of where they occur. We will seek to assure the power of the Human Rights Council—and indeed the United Nations—is used to promote and protect the human rights of all.

This Council must be one that courageously calls governments to account and that amplifies the voices of those oppressed by their governments. It must not be a refuge for governments seeking to deflect criticism or hide from their own record or undermine human rights protections. We will ask that the Council remain squarely focused on its mandate, that it not be distracted by politics and debates in other forums.

Our country recognizes that the protection and advancement of human rights is a permanent endeavor. We are all guided by universal principles that we committed to uphold. We can all learn from best practices of others. We draw strength in this quest to enhance human dignity not only by pointing out the faults of others, but also in recognizing our own shortcomings and learning how to overcome them. Working to redress and preclude abuses at home and abroad is not interference in internal affairs, but is a demonstration of solidarity in improving respect for human rights worldwide.

Indeed, the story of the United States is one of a constant quest for the more perfect union our constitution promises, for the realization of rights of all our citizens. We are dedicated to that endeavor at home and seek to work with all of you to advance human rights around the world. We owe this intense and determined focus to those around the world who are struggling for recognition of their universal human rights and fundamental freedoms.

As we go forward, the United States pledges to use every opportunity to strengthen old partnerships and forge new ones. Our participation as an active observer is a sign of the commitment of the U.S. Administration to advancing the cause of human rights

and strengthening the effectiveness of international institutions. We look forward to working closely with all of you.

Mr. President, I would like to extend our appreciation to you personally for the professional and dignified manner in which you have led this body.

Madam High Commissioner, we congratulate you on your newly appointed position and wish you the very best in your important work in the years ahead.

Thank you

U.S. DEPARTMENT OF STATE

Office of the Spokesman

**U.S. Posture Toward the Durban Review Conference and
Participation in the UN Human Rights Council**

Robert Wood

Acting Department Spokesman, Office of the Spokesman
Washington, DC

February 27, 2009

This Administration is committed to diplomacy and to active and effective engagement with international institutions, which can play a vital role in addressing the challenges we face. The United States looks forward to engaging with our partners around the world to build a more peaceful and secure world.

The Administration is also strongly committed to fighting racism and discrimination. Consistent with that commitment, and with the goal of trying to achieve a positive constructive result in the Durban Review Conference, the United States recently sent a distinguished delegation to attend the ongoing negotiations on the draft outcome document.

Our delegates met with over 30 delegations, the UN High Commissioner on Human Rights, and other interested parties. In addition, the Department consulted with many governments in capitals regarding our effort. The engagement by the U.S. delegation was widely welcomed and appreciated.

Sadly, however, the document being negotiated has gone from bad to worse, and the current text of the draft outcome document is not salvageable. As a result, the United States will not engage in further negotiations on this text, nor will we participate in a conference based on this text. A conference based on this text would be a missed opportunity to speak clearly about the persistent problem of racism.

The United States remains open to a positive result in Geneva based on a document that takes a constructive approach to tackling the challenges of racism and discrimination. The U.S. believes any viable text for the Review Conference must be shortened and not reaffirm in toto the flawed 2001 Durban Declaration and Program of Action (DDPA). It must not single out any one country or conflict, nor embrace the troubling concept of “defamation of religion.” The U.S. also believes an acceptable document should not go further than the DDPA on the issue of reparations for slavery.

We will observe developments in Geneva and in capitals to see if such an outcome emerges. We would be prepared to re-engage if a document that meets these criteria becomes the basis for deliberations.

On the UN Human Rights Council, we share the concerns of many that the Council's trajectory is disturbing, that it needs fundamental change to do more to promote and protect the human rights of people around the world, and that it should end its repeated and unbalanced criticisms of Israel.

We believe, however, it furthers our interests and will do more both to achieve these ends and advance human rights if we are part of the conversation and present at the Council's proceedings.

Accordingly, we will participate in this month's Human Rights Council session as an observer and will use the opportunity to strengthen old partnerships and forge new ones. These times demand seriousness and candor, and we pledge to closely work with our partners in the international community to avoid politicization and to achieve our shared goals.

Our participation as an observer is a sign of the commitment of the Administration to advancing the cause of human rights in the multilateral arena. We look forward to the help and cooperation of our friends and allies to ensure the Human Rights Council focuses on the pressing human rights concerns of our time.



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



**Address by Ms. Navanethem Pillay, UN High
Commissioner for Human Rights,
Opening session of the High Level Segment, 10th
session of the Human Rights Council**



2 March 2009

Mr. President,
Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and Gentlemen,

I am honored to address this High Level Segment of the 10th session of the Human Rights Council. Later during this session, I will present my first annual report as High Commissioner for Human Rights. That report contains a detailed account of the whole range of activities that my Office undertook in the past year. It also illustrates deeds and results of the vision that underpins our efforts.

The many challenges to human rights described in the annual report have been a constant of our focus. Poverty, impunity, armed conflict and authoritarian rule continue to undermine the well-being and human rights of countless victims. The imperatives of fairly managing migration and combating terrorism within the parameters of human rights and the rule of law are also of pressing concern.

All these long-entrenched factors challenge the international community's capacity to cope in an environment of compassion fatigue and shrinking resources. At the same time, new threats, such as climate change, scarcity of food, and the global economic crisis expose the most vulnerable to additional risk. These perils have been starkly illustrated in the course of the thematic special sessions on the food emergencies, as well as on the financial collapse and economic downturn, that the Human Rights Council has convoked. The latter debate, held last month, highlighted the critical vulnerabilities of the most marginalized members of our global society, those who are likely to bear the brunt of crises, particularly women and children, migrants, refugees, indigenous peoples, minorities and persons with disabilities. They stand at the frontlines of hardship and are most likely to go hungry, be exposed to natural disasters, lose their jobs and access to social safety nets and services.

It is important to recognize that the roots of the current crises can only be addressed if the policies and strategies we put in place are participatory, take into account existing

inequalities and discrimination, and provide for sound and viable accountability mechanisms. These are the tenets of a human rights-based approach. I urge all those concerned and in a position of responsibility to ensure that these elements inform and underpin both international and national strategies and remedial action to alleviate the effects of the crises.

Mr. President,

Vulnerability is almost invariably related to discrimination and inequality. Combating discrimination and inequality remains a priority for OHCHR. Let me point out that this Human Rights Council session precedes a major event, and a crucial opportunity to address some of the most invidious forms of discrimination. I refer to the review conference on racism, racial discrimination, xenophobia and related intolerance, which will begin on April 20. The review conference will meet in Geneva to evaluate the implementation of commitments governments made eight years ago in Durban to eradicate intolerance, racial hatred and discrimination. These are problems which affect all countries. I therefore urge governments and all other stakeholders to actively participate in this review process.

I am fully aware that the legacy of the 2001 Durban Conference has been tainted by the anti-Semitic behaviour of some NGOs at the sidelines of that conference. And now the review conference has also been the target of a disparaging media and lobbying campaign on the part of those who fear a repetition of anti-Semitic outbursts. This is unwarranted.

As Secretary-General of the Conference, I countered such distortions in order to set the record straight. I have taken and will continue to seek all possible opportunities to draw attention to the fact that the Durban Declaration and Programme of Action, the document that emerged from the conference in 2001, transcended divisive and intolerant approaches. I also forcefully underscore that the DDPA offers the most comprehensive framework and platform to combat intolerance and racism in their many forms anywhere and everywhere.

It cannot be overemphasized that it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms and eradicate inequality and discrimination.

A persuasive outcome of the review conference and beyond hinges upon the genuine commitment of all States to seek consensus. Narrow, parochial interests and reflexive partisanship must be cast aside in the interest of a greater common good. Let me underscore that a failure to do so may reverberate negatively on the full spectrum of human rights work and mechanisms for years to come. We need to prevent the acrimony of the past from encumbering the fight against intolerance which is—and I am sure we all agree— both of urgent concern and in the best interest of everyone.

History teaches us that different perspectives, traditions and geopolitical considerations have not impeded progress on human rights. The inherent soundness and universal appeal of human rights standards have made them take root in many countries. They keep spreading, albeit not uniformly and despite regrettable setbacks. Indeed, we should continue to pursue and build on the progressive affirmation of international human rights that the Universal Declaration of Human Rights ushered in six decades ago.

And we should never lower our guard. Rather, we need to work harder to ensure full compliance with international human rights and squarely face human rights conditions. In order to do so, we will need to strengthen human rights institutions with commonality of purpose and action. Indeed, we should seek to enhance the ability of these institutions, including the Human Rights Council, to promote and protect all human rights. In parallel, we should also examine how to rectify any shortcomings in methodology and practices. This examination will be particularly crucial prior to the 2011 review of the Council. We don't need to reinvent the wheel from scratch. We should rather find ways to make it run ever more efficiently and responsively.

For my part, let me reiterate that—sustained by the United Nations principles of impartiality, independence and integrity—I regard my office as a springboard for the betterment and welfare of all and a place where all are given a fair audience.

I am aware that progress must be skillfully led, and then soundly managed. And I am convinced that the full enjoyment of human rights is bound to happen only if many stakeholders, diverse in their composition, but like-minded in their objectives and actions, join together to affirm their leadership and commitment to human rights.

I wish you a very productive session. Thank you.

