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CONFÉRENCE D'EXAMEN DE DURBAN  
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Deuxième session de fond  
Point 3 de l'ordre du jour

### **RAPPORTS DES RÉUNIONS ET ACTIVITÉS PRÉPARATOIRES AUX NIVEAUX INTERNATIONAL, RÉGIONAL ET NATIONAL**

#### **Contribution de l'Union européenne à la Conférence d'examen de Durban**

#### **Note du secrétariat**

La présente note contient la contribution écrite\* de l'Union européenne au projet de document final de la Conférence d'examen de Durban, telle que la Mission permanente de la France l'a adressée au secrétariat le 7 octobre 2008.

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\* Reproduite en annexe telle qu'elle a été reçue, dans la langue originale uniquement.

## **Annexe**

### **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 theses 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 lead 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 3<sup>rd</sup> 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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