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HUMAN RIGHTS COUNCIL

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Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED
FORMS OF INTOLERANCE, FOLLOW-UP TO AND IMPLEMENTATION
OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Cuba, South Africa (on behalf of the African Group) and
Venezuela (Bolivarian Republic of)*: draft resolution**

9/... Mandate of the Working Group of Experts on People of African Descent

The Human Rights Council,

Recalling resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003 of the
Commission on Human Rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the relevant international human rights instruments, in particular the
International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed
by the General Assembly in its resolution 2106 (XX) of 20 December 1965, and stressing the
importance of their full implementation,

* Non-member State of the Human Rights Council.

Recalling Council resolutions 5/1 on the institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Underlining the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the successful implementation of the Programme of Action requires political will and adequate funding at the national, regional and international levels and international cooperation,

Acknowledging the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms and stressing the importance of creating the necessary synergies between them and of avoiding duplication and overlapping,

1. *Welcomes and acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against Africans and people of African descent;

2. *Urges* consideration of the recommendations of the Durban Declaration and Programme of Action follow-up mechanisms contained in General Assembly and Council resolutions,

3. *Recommends* that States take measures to ensure adequate representation of people of African descent in the judiciary and other areas of the justice system, without prejudice to the principle of meritocracy, and calls upon States to identify factors that have resulted in the disproportionate number of arrests, sentencing and incarceration of Africans and people of African descent, particularly young men, and to take immediate and appropriate measures to eliminate those factors and to adopt crime-prevention strategies and programmes that include alternatives to incarceration;

4. *Emphasizes* the need to establish methods by which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the criminal justice system, political participation and representation, with regard to, inter alia, Africans and people of African descent, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

5. *Also emphasizes* the importance of collecting disaggregated information and urges the Office of the United Nations High Commissioner for Human Rights to provide support to the States that request it for the collection of such information;

6. *Underscores* the importance that States and international and regional organizations ensure that existing mechanisms for complaints for discrimination are accessible to Africans and people of African descent;

7. *Requests* the Office of the High Commissioner to compile a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to Africans and people of African descent;

8. *Decides* to extend the mandate of the Working Group on People of African Descent for three years with the following mandate, to meet for two sessions of five working days each in closed and public meetings:

(a) To study the problems of racial discrimination faced by people of African descent living in the diaspora and, to that end, gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through the holding of public meetings with them;

(b) To propose measures to ensure full and effective access to the justice system by people of African descent;

(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(d) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;

(e) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action;

(f) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent through, inter alia, the following activities:

- (i) Improving the human rights situation of people of African descent by devoting special attention to their needs through, inter alia, the preparation of specific programmes of action;
- (ii) Designing special projects, in collaboration with 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;
- (iii) Liaising with financial and developmental institutional and operational programmes and specialized agencies of the United Nations, with a view to contribute to the development programmes intended for people of African descent by 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 measures and strategies within the human rights framework;

9. *Requests* the Working Group to submit reports on progress in the elaboration of its mandate to the Council;

10. *Urges* the United Nations High Commissioner for Human Rights to take measures within the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including by highlighting the plight of victims and initiating consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination;

11. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

12. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

13. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the open-ended sessions of the Working Group, and invites States to contribute to that fund.
