



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.49
13 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 11

CIVIL AND POLITICAL RIGHTS

**Albania*, Andorra*, Argentina, Armenia, Bolivia*, Bosnia and Herzegovina*,
Brazil, Chile*, Costa Rica, Croatia*, Cuba, Dominican Republic, Ecuador,
El Salvador*, France, Germany, Guatemala, Honduras, Ireland, Israel*, Italy,
Mexico, Paraguay, Peru, Poland*, Portugal*, Republic of Korea, Romania,
Slovenia*, Spain*, Sri Lanka, Thailand*, Turkey*, United States of America
and Venezuela*: draft resolution**

2005/... The incompatibility between democracy and racism

The Commission on Human Rights,

*Guided by the Universal Declaration of Human Rights, the Charter of the United Nations,
the International Covenants on Human Rights and the International Convention on the
Elimination of All Forms of Racial Discrimination,*

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also its resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of 23 April 2002, 2003/41 of 23 April 2003 and 2004/38 of 19 April 2004,

Recalling further the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather unlawful acts or offences,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the importance of freedom of speech and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Condemns* 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, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

2. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights, as established in the relevant

international and regional human rights instruments, and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State.

3. *Also reaffirms* that any form of impunity condoned by public authorities 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;

4. *Strongly condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

5. *Recognizes with deep concern* the increase in anti-Semitism, and 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 against Arab, Christian, Jewish and Muslim communities, as well as communities of people of African descent and communities of people of Asian descent, and other communities;

6. *Emphasizes* that the elimination of all forms of discrimination, especially gender, ethnic and racial discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of persons of indigenous origin and members of indigenous communities and migrants, and respect for ethnic, cultural and religious diversity contribute to strengthening and promoting democracy and political participation;

7. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

8. *Also urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies through promoting diversity, to improving democratic institutions, making them more fully participatory and inclusive and avoiding marginalization and exclusion of, and discrimination against, specific sectors of society;

9. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote solidarity, tolerance and respect, 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;

10. *Invites* the Inter-Parliamentary Union and other relevant interparliamentary organizations to encourage debate in, and action by, the concerned parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

11. *Invites* the mechanisms of the Commission and the United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

12. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the interdependence between democracy and human rights (E/CN.4/2004/54);

13. *Recommends* the creation, where they do not exist, of monitoring, reporting, documentation and information-processing institutions and procedures in order to contribute to preventing and reducing racial, ethnic or religious tensions;

14. *Encourages* States to consider developing public information, awareness-raising and education campaigns with a transdisciplinary approach with a view to combating racial prejudice;

15. *Encourages* political leaders, civil society and the media to remain vigilant against the penetration of racist and xenophobic ideas in the political platforms of democratic parties;

16. *Invites* the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur, to continue appropriate efforts to analyse further the issue of incitement and promotion of racism, racial discrimination, xenophobia and related intolerance in the political debate;

17. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to review and further expand the study on the question of political platforms which promote or incite racial discrimination (E/CN.4/2004/61), as updated for the General Assembly (A/59/330), and to submit it to the Commission at its sixty-second session;

18. *Decides* to continue consideration of the matter at its sixty-second session under the same agenda item.
