|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | **Advance Unedited Version** | Distr.: General24 October 2018Original: English |

**Seventy-third session**

Item 72 (b) of the provisional agenda[[1]](#footnote-2)\*

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

 Report of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action on their fifth session\*\*

 Chairperson-Rapporteur Edna Maria Santos Roland

|  |
| --- |
| *Summary*  |
|  The group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action held its fifth session, in Geneva, from 8 to 11 October 2018. The present report is submitted pursuant to General Assembly resolution 72/157.  |
|  |

1. Introduction
2. The group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action held its fifth session, in private, from 8 to 11 October 2018 at the United Nations Office at Geneva. The present report is submitted in accordance with General Assembly resolution 72/157.
3. Organization of the fifth session
4. Opening of the session
5. The Chief of the Anti-Racial Discrimination Section (ARDS), Mr. Yury Boychenko welcomed the group of the independent eminent experts and congratulated the newly appointed members: Mr. Ibrahim Gambari and Mr. Saied Ashshowwaf. He noted that the revitalization and reactivation of the operational activities of the group is another important step in the fight against racism, racial discrimination, xenophobia and related intolerance. He encouraged the experts to explore new opportunities for mobilizing political will and increased participation of all stakeholders. Mr. Boychenko also briefed the experts on the mandates of the various Durban follow-up mechanisms and highlighted the progress that has been made, as well as the challenges that have been faced.
6. Election of the Chairperson-Rapporteur
7. Ms. Edna Maria Santos Roland was elected Chairperson-Rapporteur for a period of two years.
8. Organization of work
9. The group of independent eminent experts adopted the agenda and programme of work (Annex II and III).
10. Budget issues
11. At the first meeting, the Secretariat provided the requested information on existing programme budget implications (PBI) related to the mandate of the eminent experts, which include travel and DSA for the annual session of the group, as well as travel and DSA for five thematic experts. In this regard, the eminent experts emphasized that the currently allocated financial resources are absolutely insufficient for the effective fulfilment of their mandate, taking into consideration, in particular, the key role they are expected to play in mobilizing the necessary political will.
12. Mandate
13. At the first meeting, the independent eminent experts also discussed the parameters of the mandate. They analysed various provisions, including paragraph191 (b) of the Durban Programme of Action, as well as relevant paragraphs of General Assembly resolution 56/266, Commission on Human Rights resolutions 2002/68 and 2003/30. The eminent experts emphasized the need to design a realistic and implementable plan of action, for a period of two years, which includes short-medium and long-term objectives, activities and envisaged outcomes. The group also underlined that their views and substantive inputs should be sought for all reports of the Secretary-General and the High Commissioner for Human Rights on issues, regarding the implementation of the provisions of the Durban Declaration and Programme of Action (DDPA).
14. Methods of work
15. At the second and third meetings, the group discussed its methods of work. The document was adopted on 9 October 2018 (Annex IV).
16. Thematic discussions
17. At the third session, the independent eminent experts briefly discussed item 7 of the programme of work, which regards planning of future work and decided to discuss it in more details before the end of the session. The group discussed also item 8 on modalities for assessing the implementation of the DDPA. The eminent experts noted that it is essential to assess the implementation of the DDPA, in a comprehensive way, especially in view of the upcoming 20th anniversary of the DDPA, which should be commemorated in 2021. In this regard, it was suggested that the group focuses on reviewing laws, policies and institutional measures at national and regional level. The group noted that this is important for identifying key challenges for the comprehensive implementation of the DDPA. The possibility of evaluating the role of national human rights institutions in promoting the implementation of the DDPA in the respective countries was also discussed.
18. The eminent experts emphasized the need to collaborate closely with all stakeholders with a view to collecting and analysing information on the implementation of the DDPA, including the Office of the High Commissioner for Human Rights (OHCHR), the Working Group of Experts on People of African Descent (WGEPAD), the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG), the Ad Hoc Committee on the elaboration of complementary standards ,the Committee on the Elimination of Racial Discrimination (CERD), member states, regional organizations, national human rights institutions and civil society organizations. The group also noted that efforts should be made to involve the private sector.
19. The independent eminent experts also expressed the need to design an assessment tool to facilitate the review of the implementation of the DDPA. They noted that such a tool should be concise, practical, result oriented and user friendly, which could be in the form of a questionnaire or checklist. The importance of developing key indicators for the implementation of the DDPA was also highlighted.
20. At the fourth meeting, the Secretariat briefed the experts on key activities carried out by ARDS, including substantive and secretariat support to Durban follow-up mechanisms, advisory services to member states on legal measures, policies and institutions, technical cooperation projects supporting effective consultations, empowerment of stakeholders, trainings, policy oriented research and awareness raising initiatives.
21. Furthermore, the eminent experts discussed also possibilities of increasing the visibility of their work through issuing of press statements. Mr. Rupert Colville, Spokesperson for the High Commissioner for Human Rights, outlined key elements for effective press releases, in terms of content and timing. He noted that statements from the group, which might not attract media coverage, could be still useful if circulated through mailing lists to interested stakeholders. Posts on social media, as well as on online forums with national and regional focus, and websites of key organizations could also increase the visibility of the experts’ work.
22. At the fifth meeting, the independent eminent experts had informal discussions with the Chairpersons of two Durban follow-up mechanisms: H.E. Ambassador Taonga Mushayavanhu (Zimbabwe) of the Ad Hoc Committee on the elaboration of complementary standards and H.E. Ambassador Refiloe Litjobo (Lesotho) of Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. The Chairpersons provided an overview of the dynamics and the progress that has been made, since the establishment of the two intergovernmental mechanisms, as well as challenges they have been facing.
23. At the sixth meeting, ARDS continued the briefing for the experts on ongoing activities on racism and sport, OHCHR fellowship programme for people of African descent, and the OHCHR's database on practical means to combat racism, racial discrimination, xenophobia and related intolerance.
24. The independent eminent experts also had informal discussion with Ms. Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch of OHCHR. Ms. Rishmawi briefed the experts on the strategic priorities of the Office and highlighted various opportunities for closer collaboration with the group of independent eminent experts.
25. At the seventh meeting, the independent eminent experts had informal discussion with representatives of civil society organizations (Annex I). The independent eminent experts expressed the wish to exchange information and maintain continuing communication with civil society, as well as to receive inputs from civil society organizations on the implementation of the Durban Declaration and Programme of Action.
26. Civil society representatives expressed concerns about the lack of political commitment, from some Member States, to the implementation of the DDPA, the lack of resources in OHCHR for the implementation of the DDPA, in particular for public awareness campaigns, the lack of a clear plan of action for the International Decade for People of African Descent, as well as the recent trend in some countries to question the primacy of international law over national law.
27. They also invited the group of eminent experts to consider undertaking several actions including mobilisation of political will and launch of public outreach campaigns in view of the upcoming 20th anniversary of the DDPA, organization of an intersessional symposium to discuss challenges for public outreach and mobilisation of political will for the implementation of the DDPA, as well as to call to IGWG to undertake comprehensive and systematic monitoring of the implementation of the DDPA.
28. At the eighth meeting, the eminent experts discussed draft recommendations as well as item 7, regarding planning of future work. They decided that the sixth session of the group will take place in Geneva, from 6 to 10 May 2019 and the main topic for thematic discussion will be racist and hate speech in political discourse. The group also decided to prioritize the following issues of importance for its thematic deliberations, for the upcoming period of two years:
* Domestication of legal norms, instruments and agreements, and empowerment of national institutions;
* Religious, political and national intolerance and hatred;
* Racial profiling, incarceration and violent death(s).
1. Recommendations
2. **The independent eminent experts, appointed in the follow up to the Durban Programme of Action (par. 191 (b)), mindful of the request to the United Nations High Commissioner for Human Rights to cooperate with the independent eminent experts, request that their opinion on the section on the implementation of the Durban Declaration and Programme of Action in the draft report of the High Commissioner for Human Rights is sought prior to its submission to the Human Rights Council and the General Assembly.**
3. **The group of independent eminent experts recommends to the Secretary-General and the High Commissioner for Human Rights to seek the inputs of the experts for all reports** **concerning the implementation of the Durban Declaration and Programme of Action.**
4. **In view of the experts’ mandate to follow and promote the implementation of the Durban Declaration and Programme of Action, the group requests the Secretariat to** send **a *Note Verbale* to States, international and regional organizations, civil society organizations, national human rights institutions and academia, inviting them to submit inputs/information on evaluation criteria and/or indicators, to assist the group to carry out its mandate.**
5. **The Group urges Member States to support the efforts of the independent eminent experts in mobilizing political will and effective participation in the implementation of the DDPA.**
6. The **group requests an early meeting with the High Commissioner for Human Rights in order to exchange views on the thematic priorities established by the experts and modalities of cooperation.**
7. **With a view of ensuring the effective fulfilment of the mandate of the independent eminent experts, as well as the emphasis on the key role to be played by the group of independent eminent experts in mobilizing the necessary political will, required for the successful implementation of the Declaration and Programme of Action, the group requests the Secretary-General and the High Commissioner for Human Rights to provide the necessary human and financial resources, including and not limited, to enable the experts to:**
8. **organize at least one annual consultation with key stakeholders in their respective region, with a view to identifying challenges and opportunities for the effective implementation of the Durban Declaration and Programme of Action;**
9. **travel and meet with key stakeholders at international, regional and national level.**
10. **With reference to paragraph 97 of A/70/367 and paragraph 138 of the Outcome Document of the Durban Review Conference (2009), and taking into consideration the need for funds for the effective functioning of the DDPA follow up mechanisms, and their specific plans of action, the implementation of the International Decade for People of African Descent and the forthcoming 20th Anniversary of the Durban Declaration and Programme of Action, the independent eminent experts propose to revitalize the Trust Fund for implementing the Durban Programme of Action.**
11. **The group recommends to the General Assembly to initiate discussions for the preparations of the commemoration of the 20th anniversary of the DDPA, including the possibility of holding a high level meeting at the General Assembly in 2021, and in this regard to seek the inputs and ensure the involvement of the independent eminent experts.**
12. **The group commits to contribute constructively to the development of a multiyear outreach programme for public information and mobilization in support of the Durban Declaration and Programme of Action.**
13. **The group emphasizes the importance of collaboration and coordination among all Durban follow-up mechanisms, and in this regard recommends that the Chairpersons of the Durban follow-up mechanisms exchange regularly information and develop practical tools and any other means facilitating the implementation of the DDPA.**

Annex I

**List of participants at the fifth session**

**Members of the group of independent eminent experts**

Mr. Saied A. Ashshowwaf

Mr. Ibrahim Agboola Gambari

Ms. Edna Maria Santos Roland

Ms. Hanna Suchocka

**Representatives of non-governmental organizations**

Ms. Ana Leurinda, African Commission of Health and Human Rights Promoters

Mr. Maurice Katala, Action Internationale pour la Paix et le Développement dans la Région des Grands Lacs (AIPD-GL)

Mr. Maluza Wa Mavula, International Committee for the Respect and Application of the African Charter on Human and People’s Rights (ICRAC/CIRAC)

Mr. Jan Lönn, International Youth and Student Movement for the United Nations (ISMUN); World Against Racism Network (WARN)

Ms. Nozha Mahklouf, International Youth and Student Movement for the United Nations (ISMUN);

Ms. Rania Madi, BADIL Resource Center for Palestinian Residency and Refugee Rights

Mr. Ronald Barnes, International Peoples Charter

Annex II

Agenda

1. Organizational and procedural matters

2. Thematic discussions:

2.1 Assessment of the effectiveness of the existing Durban Follow-Up Mechanisms to combat racism, racial discrimination, xenophobia and related intolerance applied in the past 15 years to:

a) identify obstacles to be overcome to effectively implement DDPA to eradicate, prevent and combat racism, racial discrimination, xenophobia and related intolerance,

b) identify areas where achievements of DDPA have not been gained or further improvement have to be attained

2.2. Strategies to achieve full and effective implementation of Durban Declaration and Programme of Action to combat racism, racial discrimination, xenophobia and related intolerance

2.3 Xenophobia

2.4 Politics of exclusion

2.5 Violent extremism

2.6 Terrorism

2.7 Racial profiling, incarceration and violent deaths

2.8 Mobilizing political will for DDPA and public outreach. Consultation with civil society

2.9 Religious and national intolerance or hatred and political incitements against immigrants and minorities

Annex III

Programme of Work

|  |  |  |
| --- | --- | --- |
|  | **Monday 8 October 2018** | **Tuesday 9 October 2018** |
| 10:00—13:00 | **Item 1:**Opening of the session **Item 2**: Election of a chairperson**Item 3**: Adoption of the agenda and programme of work**Item 4:** Administrative and budget issues**Item 5:**Discussion on the group’s mandate: review and analysis of resolutions | **Item 6**: cont’d**Item 7:** Planning of upcoming activities: future sessions and intra-sessional activities |
| 15:00—18:00 | **Item 5** cont’d**Item 6**: Discussion on methods of working  | **Item 8** Thematic Discussions:**8.1.** Assessment of the effectiveness of the existing Durban follow-up mechanisms to combat racism, racial discrimination, xenophobia and related intolerance applied in the past 15 years to:a) identify obstacles to be overcome to effectively implement DDPA to eradicate, prevent and combat racism, racial discrimination, xenophobia and related intolerance,b) to identify areas where achievements of DDPA have not been gained or further improvement have to be attained**8.2.** Strategies to achieve full and effective implementation of Durban Declaration and Programme of Action to combat racism, racial discrimination, xenophobia and related intolerance |
|  | **Wednesday 10 October 2018** | **Thursday 11 October 2018** |
| 10:00—13:00 | **8.3.** Xenophobia **8.4**. Politics of exclusion  | **8.7.**Racial profiling, incarceration and violent deaths**8.8** Mobilizing political will for DDPA and public outreach. Consultation with civil society |
| 15:00—18:00 | **8.5.** Violent extremism **8.6.** Terrorism | **8.9** Religious and national intolerance or hatred and political incitements against immigrants and minorities**9.0** Report of the session. Concluding observations, including possible press statement |

Annex IV

Methods of Work

1. At its fifth session held from 8 to 11 October 2018, the group of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action adopted its working methods. These are included as an annex to the report of the fifth session.
2. Chairperson Rapporteur
3. The eminent experts shall elect, a Chairperson-Rapporteur for a term of two years, taking due account of the need for rotation among the geographical regions and the gender balance, among other considerations. She or he shall chair the respective sessions of the group;
4. The Chairperson-Rapporteur shall perform the functions conferred upon her or him by the resolution that creates or renews the mandate of the group, the methods of work and the decisions of the group. The Chairperson-Rapporteur may decide to delegate her/his tasks to other members of the group, following consultations with all other members of the group;
5. The Chairperson-Rapporteur shall represent the group before the General Assembly, Human Rights Council, States and other stakeholders. The Chairperson-Rapporteur may decide to delegate this task to other members of the group, following consultations with all other members of the group;
6. The Chairperson-Rapporteur shall report to the group on activities she or he had undertaken during the intersessional period, and on any activity undertaken during a session without the other members of the group.
7. Sessions
8. The group meets once a year, for at least two to five working days, in Geneva. The group decides well in advance, which meeting shall be closed or opened to the public;
9. The group will integrate a gender perspective in its work and give attention to intersecting forms of discrimination;
10. During the session, the experts shall discuss and agree on the dates for the next session, the respective topics that would be discussed and the external experts they would like to invite. The number of the external experts cannot be more than five, one per region, taking into consideration gender balance, among other considerations.
11. Intersessional activities
12. All activities conducted by the members of the group that have a connection with the mandate of the group will be covered by the present methods of work and should be reported back to the group;
13. Members engaging in intersessional activities are not empowered to make commitments or decisions on behalf of the group unless there is a specific delegation of power given to her or him by the group. Nothing in this rule shall restrict any of the already existing powers of the Chairperson-Rapporteur;
14. Members will avoid any type of actual or potential conflict of interest while engaging in intersessional activities.
15. Coordination with other human rights mechanisms
16. The group is mindful of the work carried out by other human rights mechanisms, in particular the Durban follow-up mechanisms, and is committed to avoid duplications.
17. Consultations with stakeholders
18. The eminent experts may organize and/or participate, collectively or individually, in consultations deemed necessary for the successful implementation of the mandate of the group, including constructive dialogues with Member States, human rights mechanisms, national human rights institutions, civil society organizations, UN entities, regional organizations, academic institutions and experts;
19. Members engaging individually in consultations with stakeholders should inform the group and report back to the group afterwards.
20. Consideration of information
21. The group welcomes information related to its mandate. Information received from relevant stakeholders will be used, as appropriate, by the group to inform its work.
22. Consensus
23. The group will strive to achieve consensus in all its decisions. Consensus is achieved by three votes out of four or four votes out of five. Dissenting opinions will be reflected in reports, if the dissenting member requires so.
24. Annual report
25. The group reports annually to the General Assembly, including information on its sessions, as well as intersessional activities that have been carried out collectively and individually.

Adopted on 9 October 2018

1. \* A/73/50

 \*\* The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)