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DRAFT

**REPORT OF THE INTERSESSIONAL OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP TO FOLLOW UP THE
WORK OF THE PREPARATORY COMMITTEE**

Chairperson-Rapporteur: Mr. Zohrab Mnatsakanian (Armenia)

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Introduction

1. In its decision PC.2/4 of 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 with the mandate 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 working group would hold two sessions, of one week each.

2. On 25 April 2008, the Preparatory Committee designated Mr. Zohrab Mnatsakanian, Ambassador of Armenia and Vice-Chairman of the Preparatory Committee, to the post of the Chairperson of the intersessional open-ended intergovernmental working group (hereinafter: working group).

3. The first session of the working group was held from 26 to 28 May 2008, and its second session was convened on 5 and 29 September 2008. The working group held in total five plenary meetings.

I. ORGANIZATION OF THE SESSION

A. Opening of the session

4. The first session of the working group was opened on 26 May 2008 by Mr. Ibrahim Wani, Chief a.i. Rule of Law, Equality and Non-Discrimination Branch of the Office of the United Nations High Commissioner for Human Rights.

B. Organization of work and adoption of the agenda

5. At the same meeting, on 26 May 2008, Mr. Mnatsakanian was formally elected as Chairperson-Rapporteur of the working group.

6. At its first session, the working group had before it a document containing the provisional agenda prepared by the Secretary-General and the annotations thereto (A/CONF.211/PC/WG.1/1). On 26 May 2008, the agenda was adopted by the working group (see annex I). At its second session, the working group had before it the agenda as adopted at the first session of the working group, with the annotations that have been updated to reflect the latest developments (A/CONF.211/PC/WG.1/2).

7. At its first session, the working group decided to establish an informal "Group of friends of the Chair" to meet during the intersessional period. Each regional group was subsequently invited to nominate up to five representatives to serve as members of this informal group. The composition of the group which held several meetings in the period from June to August 2008 is as follows: Argentina, Azerbaijan, Belgium, Brazil, Chile, China, Czech Republic, Egypt, Ethiopia, France, Greece, India, Islamic Republic of Iran, Latvia, Mexico, Nigeria, Pakistan, Russian Federation, Senegal, Slovenia, South Africa, Sri Lanka, Switzerland, Uruguay and Turkey.

C. Attendance

8. The list of attendance is contained in annex II.

D. Documentation

9. For the list of documents issued for the working group, see annex III.

II. IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.2/4 OF 22 APRIL 2008 ENTITLED "ESTABLISHMENT AND DATES OF THE INTERSESSIONAL OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP".

A. First session of the working group

10. At the first meeting of the working group, on 26 May 2008, the Chairperson-Rapporteur made a statement. In the general discussion that followed, statements were made by Egypt, Liechtenstein, Germany, Slovenia, Mexico, Belgium, Senegal, India, Greece, Russian Federation, Bangladesh, China, Pakistan, Argentina, Ecuador and Algeria. A statement was also made by a non-governmental organization Indian Movement Tupaj Amaru.

11. At its second meeting, on 27 May 2008, the working group had before it a "non-paper" submitted by the Chairperson-Rapporteur, which contained an inventory of issues listed following the structure of the draft outcome document of the Durban Review Conference as adopted by the Preparatory Committee in its decision PC.2/8. Following an explanatory statement by the Chairperson-Rapporteur, statements were made by Egypt, Slovenia (on behalf of the European Union), Mexico, India, Argentina, Liechtenstein, Morocco, Belgium, Bangladesh, Thailand, Bosnia and Herzegovina, Republic of Korea. Statements were also made by the following non-governmental organizations: Indigenous Peoples and Nations Coalition, Afro-American Space, Indian Movement Tupaj Amaru, Afro-Swedish National Association/Centre against Racism.

12. At its third meeting, on 28 May 2008, the working group agreed with the proposal of its Chairperson-Rapporteur for the establishment of an informal "Group of friends of the Chair" to meet during the intersessional period in order to facilitate the work of the working group at its second session (see also para. 7 above). The working group also decided to convene its second session between 1 and 5 September 2008. Statements were made by Algeria, Egypt, Greece, Mexico, Azerbaijan, Russian Federation, Slovenia, India, Belgium, Argentina. Statements were also made by the following non-governmental organizations: International Movement against All Forms of Racial Discrimination, Indian Movement Tupaj Amaru.

B. Second session of the working group

13. At its fourth meeting, on 5 September 2008, the working group had before it a working document submitted by the Chairperson-Rapporteur, entitled "Certain indicative elements in relation to the outcome document" (A/CONF.211/PC/WG.1/CRP.2). Following an introductory statement by the Chairperson-Rapporteur, statements were made by India, Argentina, South Africa, France, Greece, Brazil, Senegal, Egypt, Switzerland, Guatemala, Pakistan, Algeria,

Chile, Bolivia, Sri Lanka, Bangladesh, Ethiopia. The working group decided to convene its resumed second session on 29 September 2008.

14. At its fifth meeting, on 29 September 2008, the working group had before it, as part of the draft report of the working group to the Preparatory Committee, an explanatory memorandum from the Chairperson-Rapporteur and a set of draft recommendations with regard to the modalities of organization of work and negotiations on the draft outcome document during the second substantive session of the Preparatory Committee. Following a statement by the Chairperson-Rapporteur, statements were made by

15. At the same meeting, the working group decided to

III. REPORT OF THE WORKING GROUP TO THE PREPARATORY COMMITTEE FOR THE DURBAN REVIEW CONFERENCE

16. At its fifth meeting, on 29 September 2009, the working group

ANNEXES**Annex I****AGENDA**

1. Opening of the session.
2. Election of Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Implementation of the mandate of the working group as contained in Preparatory Committee decision PC.2/4 of 22 April 2008 entitled "Establishment and dates of the intersessional open-ended intergovernmental working group".
6. Report of the working group to the Preparatory Committee for the Durban Review Conference.

Annex II

LIST OF ATTENDANCE

States Members of the United Nations

Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Germany, Greece, Guatemala, Haiti, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Non-member States represented as observers

.....

Intergovernmental organizations

African Union, European Union, Organisation internationale de la Francophonie, Organization of the Islamic Conference.

Non-governmental organizations in consultative status with the Economic and Social Council

Afro-American Space, Afro-Swedish National Association/Centre against Racism, Indian Movement Tupaj Amaru, Indigenous Peoples and Nations Coalition, International Movement against All Forms of Racial Discrimination.

Annex III

LIST OF DOCUMENTS

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/CONF.211/PC/WG.1/1	3	Provisional agenda and annotations
A/CONF.211/PC/WG.1/2	3	Agenda and annotations
A/CONF.211/PC/WG.1/5	5	Joint contribution by special procedures mandate holders

Documents issued in the limited series

A/CONF.211/PC/WG.1/CRP.1 and Add.1	5	Note by the Secretariat containing a summary of additional contributions by States
A/CONF.211/PC/WG.1/CRP.2	5	Working document submitted by the Chairperson-Rapporteur

Annex IV**EXPLANATORY MEMORANDUM BY THE CHAIRPERSON-
RAPPORTEUR OF THE INTERSESSIONAL OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP ADDRESSED TO THE
PREPARATORY COMMITTEE ON BEHALF OF THE WORKING GROUP**

In its decision PC.2/4, the Preparatory Committee decided to establish this intersessional open-ended intergovernmental working group and mandated it "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 also designated me to the post of the Chairperson of this intergovernmental working group. Below are some details and explanations on how the mandate entrusted to me was implemented as well as some recommendations which I am addressing to the Preparatory Committee on behalf of the working group.

1. Following the May session of the intersessional working group (ISWG) and its decision to establish an informal Group of the Friends of the Chair composed of representatives of 25 States, nominated equitably by the five regional groups, I have been working throughout the subsequent months and in close consultations with the Group of the Friends on further review of the contributions submitted by various stakeholders, which were available during the period of work of the ISWG.
2. As a result, and having in mind the mandate of the working group, we attempted to establish a working document in which the contributions received are adjusted to the agreed structure of the outcome document as contained in decision PC.2/8 of the Preparatory Committee and subsequently to bring such contributions closer to a text that could later serve for negotiations. In doing so, we also had in mind the fact that according to decision PC.2/8, the outcome document will consist of a declaratory part and an action-oriented part.
3. We were able to process all such contributions as submitted by various stakeholders into a text appropriate for an outcome document format, specifically covering sections I to IV of the structure of the document. Several versions of this text have been before the Group of Friends, and it was then submitted to the ISWG in September as a working paper by the Chair, entitled "Certain indicative elements in relation to the outcome document".
4. This document, which is now forwarded to the Preparatory Committee as reproduced below, should not be considered as a negotiated one, though it contains a considerable number of necessary ingredients drawn from the available contributions at the time, which may be chosen to serve as a basis for negotiations.

5. We also have in mind and support proposals that imply a shorter political text for the declaratory part of the outcome document, which in substance might be linked to part V of the document. However, textual proposals for these parts of the text would require different modalities of work. Some of them are addressed in the recommendations on the organization of future work as contained in annex V below.
6. We also have in mind the continuous flow of further contributions from various sources, which will be used in the actual negotiations of the outcome document. Most specifically, following the regional preparatory meetings that have taken place during this summer and their outcome documents, as well as any other already submitted or forthcoming regional and other contributions, there will be an opportunity to hear and receive from representatives of such regional and other groups their textual proposals to be incorporated in the future outcome document.
7. However, bearing in mind that the character of the "Indicative elements" text is significantly different from the regional outcome documents which are the results of political negotiations, it appeared neither appropriate nor feasible at this stage to attempt to incorporate those negotiated regional outcomes into the working paper which is limited to contain only "certain indicative elements" of the future outcome document.
8. While some assistance in this regard was offered by the representatives of the GRULAG and the African Group, the Chair refrained from editing the proposed parts of the outcome documents of their respective regional conferences into the streamlined text of his working paper in order not to prejudice the subsequent negotiations of the consolidated text of the future outcome document.
9. Thus, further contributions that were submitted as outcomes of two regional conferences held in Latin America and in Africa, as well as a written contribution by the OIC Group in Geneva will be presented to the second substantive session of the Preparatory Committee* at face value for further negotiations with a view to incorporating them into a consolidated outcome document of the Review Conference. For ease of reference, those texts are also reproduced in annexes VI to VIII below.

* Will be issued as documents A/CONF.211/PC.3/3, A/CONF.211/PC.3/4 and A/CONF.211/PC.3/10, respectively.

**CERTAIN INDICATIVE ELEMENTS IN RELATION
TO THE OUTCOME DOCUMENT
(Working paper)**

1. Review of progress and assessment of implementation of the DDPA 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

- *Language of DPA*

1. The Durban Programme of Action (DPA) urges States to eradicate poverty and end enslavement and contemporary forms of slavery-like practices.

- *Progress and achievements*

2. **Poverty** is a key source of racism and the importance of addressing the problem as a way of promoting the values of equality and non-discrimination has been highlighted since the DPA was adopted. Poverty should neither be regarded as an acceptable outcome of socio-economic development nor as a natural condition of certain groups or individuals. States are urged to implement activities conducive to an intercultural dialogue at all levels with a view to including vulnerable groups and individuals in poverty eradication policies and programmes; structural adjustment policies should improve social policies, including by giving priority to programmes designed to combat racism, racial discrimination, xenophobia and related intolerance. To this end, international financial institutions need to understand and acknowledge the importance of integration of aspects of discrimination based on racism, racial discrimination, xenophobia or related intolerance in their poverty and social impact assessments.

3. Considerable work has been done by the Working Group on Contemporary Forms of **Slavery**. Despite its limited resources, it has managed to monitor the application of the 1926 & 1956 Slavery Conventions, annually review situations in many parts of the world based on specific themes, as well as to submit recommendations at the national and international levels. The recent appointment of a Special Rapporteur on contemporary forms of slavery will help to further deepen and highlight the slavery

and slavery like practices. In addition to taking forward some of the responsibilities of the Working Group on Contemporary Forms of Slavery, the Special Rapporteur will be able to: issue annual thematic reports to the Human Rights Council; conduct about two country visits a year to conduct situation analysis and collect information on best practice; be in continuous dialogue with Governments with regard to human rights violations; create more awareness about slavery and slavery like practices at the national, regional and international level; make concrete practical and policy recommendations that prevent slavery and protect those who are in slavery like circumstances; and regularly monitor human rights violations that pertain to contemporary forms of slavery.

- *Challenges and obstacles*

4. **Poverty** frequently originates from discriminatory practices both overt and covert. Recognizing this linkage implies acknowledging that policies designed to eliminate poverty must address the specific obstacles faced by victims of racial discrimination. Changing social attitudes and removing institutional obstacles that sustain discriminative patterns must be considered central objectives for the effective elimination of poverty. It is considered that the devastating effects of the combination of poverty and racial discrimination are still practically hidden due to poor data collection on the situation of marginalized populations.

5. Contemporary forms of slavery are still prevalent today across the globe. Indeed, the majority of cases of slavery or slavery like practices, including child labour, occur where there is deep seated racism, racial discrimination, xenophobia or related intolerance caused as a result of historical, cultural, religious or economic interactions between groups or individuals.

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

- *Language of DPA*

6. The DPA identifies certain groups of victims of racism, racial discrimination, xenophobia and related intolerance. The victims specifically named in the DPA are victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS, Africans and people of African descent, indigenous peoples, migrants, refugees, as well as other victims, including victims of trafficking, Roma/Gypsy/Sinti/Travellers, people of Asian descent, persons belonging to national or ethnic, religious and linguistic minorities, women and girls who are victims of racism, children and persons with disabilities. The DPA recommends that States take concrete actions to ensure the eradication of discrimination against all these categories of victims.

- *Progress and achievements*

7. In addition to the adoption of mechanisms, policies and legislation aimed at protecting the rights of groups of victims named in the DPA by numerous States and regional organizations since the adoption of the DDPA, progress and achievements have also taken place at the international level.

8. Regarding the meaning and scope of the definition of racial discrimination, **CERD** has further clarified the concept of racial discrimination through its concluding observations as well as in General Recommendations 29, 30 and 31 on descent, discrimination against non-citizens and on the prevention of racial discrimination in the administration and functioning of the criminal justice system. It has also made important steps forward by addressing discrimination affecting the most disadvantaged groups, inter alia, Roma, indigenous peoples, migrant workers – including undocumented migrants – asylum seekers and refugees.

9. [Victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS]

10. Following the Durban Conference, a Working Group on **People of African Descent** was established and has held meetings regularly, thereby bringing the plight of this group of victims to the international stage.

11. On **indigenous peoples**, several mechanisms were established within the UN framework to encourage discussions at the international level on indigenous issues and to help promote and protect of the rights of indigenous peoples. As such, the Permanent Forum on indigenous issues was created in 2000, the first Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people was appointed by the Commission on Human Rights in 2001, the United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007 by the General Assembly, and the Expert Mechanism on the right of indigenous peoples was created in 2007, replacing the Working Group on indigenous populations of the Sub-Commission on the promotion and protection of human rights. These advancements have helped lead to an increased understanding of the content of the rights of indigenous peoples and to greater opportunities for affirmation and protection of those rights.

12. On **migrants**, the International Convention on the protection of the rights of all migrant workers and members of their families entered into force in 2003, thereby allowing the Committee on the protection of the rights of all migrant workers and members of their families to hold its first session in 2004. Further, the mandate of the Special Rapporteur on the human rights of migrants has been recently reviewed by the Human Rights Council at its 8th session. The issue of racism, racial discrimination, xenophobia and related intolerance has been addressed by the Special Rapporteur and his predecessor in their missions to countries in different regions of the world and in numerous communications sent to governments around the world, sometimes jointly with other mandate holders.

13. Since 2001, the Office of the United Nations High Commissioner for **Refugees** (UNHCR) has implemented its mandate of protection to refugees, assistance to governments in finding durable solutions for them, of prevention and reduction of statelessness and of protection to stateless persons. Different types of activities have been developed in order to continue fulfilling this multi-faceted mandate, such as awareness and information activities, drafting of policy and standard-setting document, activities aimed at developing the capacity of States to receive and protect refugees, support to individuals who are victims of crimes motivated by racism or xenophobia.

14. The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on **trafficking** in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her functions, the Special Rapporteur has referred to 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.

15. On **Roma/Gypsies/Sinti/Travellers**, CERD has, where relevant and in accordance to its General Recommendation 27, consistently addressed these issues through its concluding observations and opinions on individual communications.

16. [People of Asian descent] language to be developed

17. On national or ethnic, religious and linguistic **minorities**, an Independent expert on minority issues was appointed by the Commission on Human Rights in 2001 in order to complement and enhance the work of other UN bodies and mechanisms that address minority rights and issues. In addition, a Forum on minority issues has been recently established in order to replace the Working Group on minorities of the Sub-Commission on the promotion and protection of human rights.

18. [Women and girls who are victims of racism]

19. The Committee on the Rights of the Child issued general comments on: the rights of **children** with disabilities; the treatment of unaccompanied and separated children outside the country of origin; HIV/AIDS and the rights of children. Furthermore, the general comment on general measures of implementation focuses inter alia on non-discrimination. The Secretary-General Study on Violence against Children presented

to the GA in 2006 highlighted how, although all children are exposed to violence, some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable. The need to address discrimination in all its manifestations is addressed in the different recommendations contained in the Study. In its dialogue with States parties from all regions, the Committee has identified, and noted with appreciation, the existence of good practices and positive initiatives, including legislation aimed at prohibiting discrimination against children belonging to marginalized groups, including children with disabilities, children infected or affected by HIV/AIDS, indigenous children and children belonging to national, ethnic, religious and linguistic minorities.

20. With respect to **persons with disabilities**, the Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force on 3 May 2008. In its preamble, the Convention speaks of the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.

- *Obstacles and challenges*

21. There remain important protection gaps despite efforts deployed by governments and regional organizations to protect the victims named in the DPA.

22. [Victims of racism who are infected or presumably infected with pandemic diseases such as HIV/AIDS]

23. [Africans and people of African descent]

24. There remains concern that **indigenous peoples** continue to be targets of racism and discrimination in all parts of the world. Even where legal barriers have been diminished within domestic legislation to allow indigenous peoples greater enjoyment of their human rights, social attitudes continue to reflect racial discrimination. Social indicators reflect the continued presence of indigenous peoples at the bottom of the social strata, with a lack of access to basic services, and frequent denial of rights to lands and resources. Moreover, there are worldwide examples of the exploitation of natural resources by government and private sector entities without adequate acknowledgement of indigenous presence or interests in resources. Furthermore, social exclusion is continually related to manifestations of violence. Indigenous peoples continue to be targets of attacks and abuse, including but not limited to violence against women and children based on racial profiling and ethnic affiliation.

25. Manifestations of racism, discrimination and xenophobia against **migrants** in both the public and the private spheres are still frequent. In many countries, immigrants bear the brunt of racist or xenophobic backlashes. For instance, campaigns conducted in some political quarters and the media in some countries criminalize immigration by making a direct link between immigration and high crime rates. Political rhetoric and information of this nature can promote xenophobic stereotypes and racist sentiment. In addition, despite the international standards designed to offer protection to all individuals, attention should be drawn at the increasing criminalization of irregular migration and the abuses of migrants during all phases of the migration process. This criminalization is linked in many countries to persistent anti-migrant sentiments, which is often reflected in policies and institutional frameworks designed to manage migratory flows, often in a purely restrictive manner. There remain concern with regard to criminal justice practices used by States to combat irregular migration, including greater criminalization of migration offences (as opposed to treating them as an administrative offence) and cross-national collaboration by police and other authorities, which have in certain cases resulted in increased violations against migrants.

26. Challenges and concerns relating to **refugees**, asylum seekers and displaced persons, as highlighted by the DPA, are as valid today as they were in 2001. Indeed, expressions of racism and xenophobia have been identified as major root causes of human displacement; they create obstacles for asylum-seekers to gain admission to safety and asylum procedures and protection against *refoulement*; for persons of a certain race, colour, descent, or national or ethnic origin to acquire and/or retain a nationality; for refugees and internally displaced persons in finding quality protection in their places of displacement; and for refugees in finding durable solutions, in the form of sustainable return and reintegration in places of origin, successful local integration in countries of asylum, or resettlement in third countries. The situation of stateless persons is also particularly fragile in many aspects. If racial prejudices and xenophobic attitudes are widespread in a given society, one can assume with great probability that they will adversely affect this group of people. Strengthening the protection of stateless persons is, therefore, an important aspect of the struggle against racism, racial discrimination, xenophobia and related intolerance. The plight of undocumented non-citizens and persons who cannot establish the nationality of the State on whose territory they live, even where such persons have lived all their lives on the same territory has also been highlighted by CERD.

27. The problem of **trafficking** persists in many places. Every year, millions of human beings are tricked, sold, forced or otherwise coerced into situations of exploitation from which they cannot escape. They are the commodities of a transnational criminal industry which generates billions of dollars and operates with virtual impunity, due to inefficient law enforcement, compounded, in many cases, by official corruption and complicity. The pool of potential victims in every part of the world is expanding due to widespread inequalities, lack of employment opportunities, insecurity of food and livelihoods, violence, conflict, discrimination and poverty. The partners (including OHCHR, ILO, UNICEF, IOM, UNODC and OSCE) in the UN Global Initiative to Fight Human Trafficking have endeavored to raise alarm bells and mobilize actions to counter trafficking of human beings, and there have been encouraging developments at the national, regional and international levels.

However, little has changed for those caught up in this sordid trade. Attempts to deal with the human consequences of trafficking have been largely ineffective. Some anti-trafficking efforts have even been harmful to the very ones they aimed to protect, as victims of trafficking become "collateral damage" in law enforcement. A human rights-based approach to trafficking demands that steps be taken to ensure that laws, policies and procedures are in place to prevent, monitor and redress such "collateral damage".

28. [Roma/Gypsies/Sinti/Travellers, including children & youth]

29. [People of Asian descent]

30. The overall vulnerability of national or ethnic, religious and linguistic **minorities** is greater where there is racism, racial discrimination, xenophobia and related intolerance. Many violations of the civil, political, economic, social and cultural rights of persons belonging to minorities have a basis in discrimination, racism and exclusion on the grounds of the ethnic, religious, national, or racial characteristics of the minority group. There remain concern at the number of violations of human rights that display discrimination, racism or xenophobia against a minority group and its members. Minorities in all regions of the world continue to face exclusion, serious threats, discrimination and racism. Furthermore, individuals within ethnic, religious, linguistic or national minority groups can experience multiple forms of discrimination because of other factors. This means that individuals within minority communities who are already struggling against intolerable levels of generalized exclusion can also face compounded forms of discrimination or violence based on their gender, personal identity or expression. Greater consideration should therefore be given to the compounded and often negatively reinforcing nature of multiple forms of exclusion or discrimination of members of minority communities.

31. The DPA recognizes that **women** can face multiple forms of discrimination and that racism, racial discrimination and xenophobia do not necessarily affect men and women in the same manner. Likewise, when reviewing, rationalizing and improving the mandate of the Special Rapporteur on violence against women, its causes and consequences, the Human Rights Council expressed deep concern that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation. Violence against women and girls, including sexual violence, motivated by racism or xenophobia is still ongoing. Since

the adoption of the DDPA, credible allegations of racially motivated violence against women, including indigenous and migrant women, in different regions of the world are still received by the Special Rapporteur on violence against women.

32. **Double or multiple forms of discrimination** is said to increasingly affect some individuals and groups. In this regard, CERD has had numerous occasions to address this issue, in particular on the ground of gender and race and on the ground of race and religion and has for instance reminded that all persons should enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin.

33. The 2007 progress report to the GA presented by Independent Expert for the SG Study on Violence against **Children** highlights how, although there were a number of initiatives aimed at addressing the root causes of violence, including discrimination, there continued to be a lack of data and research of violence against children and its root causes and the efforts to address violence against children continued to be mainly reactive, focusing on symptoms and consequences. Strategies to address underlying factors such as discrimination were still fragmented and with insufficient resources. Further, the Committee on the Rights of the Child and other treaty bodies, as well as special procedures have continued to highlight de facto and de jure discrimination against children belonging to vulnerable groups, including girls, children belonging to ethnic, religious, linguistic and other minorities, children with disabilities, children living with HIV/AIDS, children in need of alternative care, children living and/or working in the street, refugee or internally displaced children, migrant children or children of migrant parents, children in contact or in conflict with the law, indigenous children, etc.

34. [Persons with disabilities]

C: Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels

- *Language of DPA*

35. The DPA deals with measures of prevention, education and protection. At the **national level**, the DPA urge legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance. At the **international level**, the DPA 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.

- *Progress and achievements*

Measures at the international and regional levels

36. Drafting of regional instruments against racism: Following the 2001 adoption of the DPA, some regions have started to draft regional conventions against racism and various forms of discrimination. For example, the General Assembly of the Organization of American States (OAS) established a Working Group to prepare a draft for an *Inter-American Convention against racism and all forms of discrimination and intolerance*. In Europe, although the adoption of the *Directive 2000/43/EC on equal treatment on grounds of race and ethnic origin* preceded the 2001 adoption of the DPA, its implementation was particularly strengthened thereafter. In 2007, the European Union adopted a *Framework on combating certain forms and expressions of racism and xenophobia by means of criminal law*, which aims at approximating criminal law provisions and at combating racist and xenophobic offences more effectively by promoting a full and effective judicial cooperation between Member States. In Africa, the African Commission on Human and Peoples' Rights has promoted a number of legislative initiatives, including the drafting of the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. In the Asia and Pacific region, the establishment of a Human Rights Commission by the ASEAN Charter represents additional protection for victims of racism and racial discrimination.

37. Establishment of monitoring and reporting mechanisms: In order to monitor the implementation of international instruments, Rapporteurships on racism and discrimination, or focusing on particular vulnerable groups, have been established in some regional systems. These include the Special Rapporteur on the Rights of Persons of African Descent and Racial Discrimination; the OSCE Personal Representative on Combating Racism, Xenophobia and Discrimination also focusing on intolerance and discrimination against Christians and members of other religions; the OSCE Personal Representative on Combating Anti-Semitism and the OSCE Personal Representative on Combating intolerance and discrimination against Muslims.

38. School curricula: The DPA 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. Two months after the adoption of the DPA, an *International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination* was held in Madrid. Based on the concept that education, in particular at school, should contribute in a meaningful way to promote tolerance and respect for the freedom of religion or belief, the Final Document of the Madrid Conference calls for the strengthening of a non-discriminatory perspective in education and of knowledge in relation to freedom of religion or belief at the appropriate levels.