

153. *Calls upon* States, taking into account the good practices mentioned in part III, to formulate cooperative programmes to promote equal opportunities in favour of victims of racism, racial discrimination, xenophobia and related intolerance and encourages them to propose the creation of multilateral cooperative programmes with the same objective;

154. *Urges* States to improve governmental and inter-institutional coordination mechanisms between countries of the region in efforts to combat all forms of discrimination and to strengthen cooperation thereon with regional and international organizations;

155. *Calls for* the strengthening of the existing network of specialized State bodies and mechanisms for racial equality, efforts to combat racism and the rights of indigenous peoples;

156. *Acknowledges* the need to allocate additional funds to implement anti-discrimination policies and the significance of international cooperation and technical assistance in that area;

157. *Urges* States to conclude, as swiftly as possible, negotiations on the draft inter-American convention against racism and all forms of discrimination and intolerance;

158. *Calls upon* States to develop, in cooperation with multilateral organizations, internet service providers, private sector stakeholders and civil society, and taking into account the principles of multilateralism, democracy and transparency, a coordinated global strategy to formulate a voluntary code of conduct to prevent the dissemination of messages of racial hatred and intolerance;

159. *Reiterates* its concerns regarding acts of violence, discrimination and human rights violations committed against individuals on the grounds of their sexual orientation and gender identity, and invites States, whenever possible, to consider appropriate measures to tackle such problems.

Annex VII

**FINAL DOCUMENT OF REGIONAL PREPARATORY MEETING FOR
AFRICA FOR THE DURBAN REVIEW CONFERENCE**

**Final document of the Regional Preparatory Meeting for
Africa for the Durban Review Conference**

The African Regional Conference, having met in Abuja, Nigeria, from 24 to 26 August 2008 pursuant to General Assembly resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006 and within the framework of preparations for the conference to be convened in 2009 for the review of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 (the Durban Review Conference), hereby issues the following Declaration and Programme of Action:

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

Underlining also the importance of the Dakar Declaration and Recommendations for a Programme of Action adopted at the Regional Conference for Africa held in Dakar, Senegal, in January 2001,

Expressing sincere appreciation to the Government of Nigeria for hosting the current African regional preparatory meeting,

Recalling the values and principles of human dignity and equality enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the African Charter on Human and Peoples' Rights and all other related international instruments,

Recalling also the great importance that African peoples attach to the values of solidarity, tolerance and multiculturalism, which constitute the moral ground and the inspiration for our struggle against racism,

racial discrimination, xenophobia and related intolerance, and the inhuman tragedies which Africa has suffered for too long,

Reaffirming the principles of equal rights and self-determination of peoples, recalling that all individuals are born equal in dignity and rights, stressing that such equality must be protected as a matter of the highest priority and recognizing the duty of States to take prompt, decisive and appropriate measures with a view to eliminating all forms of racism, racial discrimination, xenophobia and related intolerance,

Expressing deep alarm at the sharp increase in xenophobic tendencies and intolerance towards various racial and religious groups and cultures, the worst affected victims of which are people belonging to minorities, migrants, refugees, asylum-seekers and illegal migrants,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are manifestations of racism, racial discrimination, xenophobia and related intolerance,

Regretting the alarming signs of regression in efforts to combat racism, racial discrimination, xenophobia and related intolerance, particularly the upsurge in racist violence, and recognizing the crucial importance of political will in the refusal to trivialize racism, racial discrimination, xenophobia and related intolerance by the rejection of their use in politics and electoral campaigns and in the systematic combating of racist and xenophobic political platforms,

Recognizing that racism, racial and ethnic discrimination, xenophobia and related intolerance affect women differently than men, aggravating their living conditions and generating multiple forms of violence and thus limiting or denying their enjoyment of their human rights,

Strongly condemns ethnicization and criminalization of irregular migrants and asylum-seekers;

Emphasizing the need, more urgent than ever before, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance and to enable all relevant human rights mechanisms to pay give due attention to and prevent the recurrence of such acts,

Stressing the need to summon and sustain political will at the national, regional and international levels in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the commitments enshrined in the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to that end,

Paying tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid,

Acknowledging the suffering caused by colonialism and affirming that, wherever and whenever it occurred, it must be condemned and its recurrence prevented,

Acknowledging the important role of African and international non-governmental organizations, the media, national institutions and civil society in the fight against racism and encouraging them to intensify their endeavours in that respect,

Recalling the decision of the heads of State of the African Union on the Commemoration of the Abolition of Slavery,

Reaffirming the historical fact that the most hideous manifestations of racial discrimination that the continent of Africa and the African diaspora have suffered, namely, the slave trade, all forms of exploitation, colonialism and apartheid, were essentially motivated by economic objectives and competition between colonial powers for strategic territorial gains and for the appropriation of, control over and pillage of natural and cultural resources,

Recognizing the enduring and tragic impact of the slave trade, which is a crime against humanity, particularly the African people and its successive generations,

Recalling United Nations General Assembly resolution 61/19 of 28 November 2006, commemorating the two-hundredth anniversary of the abolition of the transatlantic slave trade, which acknowledges that the slave trade and the legacy of slavery are at the heart of situations of profound social and economic inequality, hatred, bigotry, racism and prejudice that continue to affect people of African descent,

Recalling further resolution 62/122 of 17 December 2007, by which the General Assembly decided to designate 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, beginning in 2008, as a complement to the existing International Day for the Remembrance of the Slave Trade and its Abolition,

Reaffirming the recommendation of the Working Group of Experts on People of African Descent that the question of reparations be included in the Durban Review Conference,

Recalling article 5 of the African Charter on Human and Peoples' Rights, which affirms: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited",

Acknowledging the historic responsibility of Africans everywhere in the world to celebrate the abolition of slavery as part of their historical legacy in order to ensure that this tragic blot on human history is not forgotten and can never recur,

Reiterating that all individual human rights violations and collective violations such as racial discrimination should be condemned and that appropriate remedies must be provided,

Affirming that, by enhancing the right of victims to benefit from international recognition and protection of their right to remedies and reparation, the international community strengthens its credibility in the cause of human rights, shows faith and human solidarity with victims, survivors and future human generations and reaffirms the principles of the equality and dignity of all human beings, accountability, justice and the rule of law,

Emphasizing that victims' right to access to justice is of special importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically, and that the principle of equality of victims in legal systems is meaningless unless it is accompanied by affirmative action,

Emphasizing also the importance of demonstrating good will to humanity and the primacy of reconciliation by taking concrete measures toward the resolution of key issues of concern to the victims of racism, racial discrimination, xenophobia and related intolerance, which relate to the restoration of their dignity and equality as envisaged in paragraphs 98–106 of the Durban Declaration,

Regretting that the commitments made in paragraphs 157 and 158 of the Durban Programme of Action remain unfulfilled,

Calling upon the Durban Review Conference to address the issue of reparations for people of African descent with reference to paragraphs 164, 165 and 166 of the Durban Programme of Action,

Recalling decision 3/103 of the Human Rights Council by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards and mandated it to prepare complementary international standards for strengthening and updating international instruments against all aspects of racism, racial discrimination, xenophobia and related intolerance,

Regretting that weak legislation and the absence of appropriate policies and programmes to tackle racism and racial discrimination persist at the national level,

Regretting further the erosion, in some parts of the world, of the established international legal framework, as well as other international commitments, in the field of combating racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at the persistence of impunity for acts of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that genocide is the most serious manifestation of racism, racial discrimination, xenophobia and related intolerance.

A. Review of progress and assessment of 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

1. *Emphasizes* the need for States to adopt educational and practical strategies, in addition to legal measures, in fighting racism;
2. *Emphasizes also* the need to achieve racial equality, in particular with regard to participation in political life and the economic, social and cultural situation of the individuals and various groups and communities in a given society;
3. *Calls upon* States in their reporting to the Human Rights Council to indicate measures taken to quell the elaboration and implementation of racist political programmes and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist ideas or motivations;
4. *Emphasizes* the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia as contemporary forms of racism as well as racial and violent movements based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities;
5. *Stresses* the need for an assessment to be conducted by the Human Rights Council and the Committee on the Elimination of Racial Discrimination on the extent to which racist phenomena are addressed through the implementation of specific laws and underlines the importance of establishing national mechanisms with a view to specifically examining those phenomena;
6. *Welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008 and requests the Ad Hoc Committee, at the second part of its first session, to heed, as provided in Human Rights Council decision 3/103 of 18 December 2006, as a matter of priority, the instruction and decision of the World Conference against Racism on the elaboration, as a matter of priority and necessity, of complementary standards in the form of either a convention or one or more additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination to fill existing gaps in the Convention and provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;
7. *Stresses* the need to assess the progressive contribution of civil society organizations to combating racism, racial discrimination, xenophobia and related intolerance and ways and means of enhancing the role of civil society in that regard;

8. *Reaffirms* that the basic premise of the protection of human rights is respect for the human dignity and integrity of all individuals, regardless of their racial, ethnic, religious, gender or group affiliations, and expresses concern at the growing negative impact of the trivialization of racism, racial discrimination, xenophobia and related intolerance;

9. *Reaffirms also* that the eradication of racism, racial prejudice and xenophobia should aim not only at promoting equality and eliminating discrimination but also at promoting interactions between ethnic, cultural and religious communities, in particular in multicultural societies;

10. *Invites States*, in their national policies, to promote the dialogue of cultures and religions to enhance the respect for the dignity of people of diverse racial origins and beliefs, for the promotion of international peace and security;

11. *Urges States* to link the fight against racism, racial discrimination, xenophobia and related intolerance with the political and constitutional recognition of, legal respect for and the promotion of multiculturalism through education, information and communication;

12. *Reiterates* strongly that freedom of religion or belief, freedom of opinion and expression and non-discrimination are interdependent and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to religious hatred under article 20 of the International Covenant on Civil and Political Rights and analogous instruments;

13. *Underlines* the importance of the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981;

14. *Calls* on States to refrain from condoning incitement to racial and religious hatred and violence under the pretext of free speech;

15. *Reiterates* that it is critical for Governments and the judiciary to ensure that acts that constitute incitement under article 20 of the International Covenant on Civil and Political Rights are closely monitored and do not enjoy impunity;

16. *Urges* the Human Rights Committee to clarify the scope and content of article 20 of the International Covenant on Civil and Political Rights within the framework of its general comments with the aim, among other things, of defining an appropriate threshold for enacting relevant legislation;

17. *Invites* the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to adopt a joint general comment on article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination further clarifying and defining, inter alia, States' obligations thereunder and the threshold beyond which an act constitutes a violation thereof, bearing in mind

general comment 11 of the Human Rights Committee and general recommendation 15 of the Committee on the Elimination of Racial Discrimination;

18. *Urges* States, as a matter of priority:

(a) To demonstrate a firm political will to combat the rise in racial discrimination and religious intolerance and to promote mutual respect and understanding of cultural diversity;

(b) To punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments;

(c) To pay special attention to the political use of discrimination and xenophobia, notably the ideological and electoral permeation of racist and xenophobic platforms into the programmes of democratic parties;

19. *Requests* the Human Rights Council to invite religious and cultural communities to promote an in-depth intercultural and interreligious dialogue, including on joint actions on issues at the core of their faith such as peace, human rights and development and to analyse the internal factors in their beliefs, practices and relationships that may have contributed to incitement to religious hatred;

20. *Urges* States to honour their obligations under pertinent international instruments to give priority to combating racism, racial discrimination, xenophobia and related intolerance;

21. *Calls upon* States to pay attention to the serious nature of incitement to religious hatred such as anti-Semitism, Christianophobia and, more particularly, Islamophobia, and to promote the fight against those phenomena by strengthening interreligious and intercultural dialogue concerning the common ethics of all religions and by adopting legislation aimed at ending impunity in this respect;

22. *Calls also upon* States to wage a systematic campaign against incitement to racial and religious hatred and to respect the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights;

23. *Emphasizes* the importance of developing at the national and international levels an intellectual front and other practical measures to confront racism and, consequently, combating, inter alia, through education, scientific research and information ideas, concepts and images likely to cause incitement to or to legitimize racism, racial discrimination, xenophobia or related intolerance;

24. *Urges* States to adopt comprehensive measures relating to immigration, asylum and the situation of foreigners and national minorities that are based on international law and relevant instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Durban Programme of Action, which attach priority to respect for their rights;

25. *Urges* States to discontinue discriminatory security practices that single out individuals or groups on the basis of their race, religion or belief, names and appearance;

26. *Stresses* the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas and also stresses that it is inhuman and degrading that such areas are "no-rights zones" for non-citizens in general and for immigrants and asylum-seekers in particular;

27. *Emphasizes* the seriousness and depth of the resurgence of manifestations of racism and xenophobia, both old and new, and stresses that a vigorous and consensual response from the international community is, in the light thereof, urgently needed;

28. *Reiterates* that the Durban Programme of Action constitutes the most detailed response to those phenomena to date and underlines the importance of the Durban review process supplementing the Durban Declaration and Programme of Action in all the areas with respect to which differences were expressed following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

29. *Calls upon* the Durban Review Conference to demonstrate the political will to confront those phenomena, and acknowledges that a failure of the Durban review process would, above all, pave the way for intensification of worrying racist and xenophobic trends, namely, the upsurge in racist violence and the political use of racism and its intellectual legitimization;

30. *Regrets* deeply the attempts at the intellectual and scientific legitimization of racism and in particular the revival of stereotypes against Africans;

31. *Calls* on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas;

32. *Reiterates* its concern about the plight of the Palestinian people under foreign occupations, urges respect for international human rights law and international humanitarian law and calls for a just, comprehensive and lasting peace in the region;

33. *Reiterates further* the importance of the Office of the United Nations High Commissioner for Human Rights continuing to support those African States that are in the process of establishing national institutions by providing training and resources and strongly advises African States that have not yet done so to consider establishing effective and independent national institutions for the promotion and protection of human rights;

34. *Recommends* that concerned States establish mechanisms through which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the

criminal justice system, political participation and representation, as regards people of African descent and migrants, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

35. *Requests* the Human Rights Council to draw up guidelines on the collection of the disaggregated information referred to in the preceding paragraph and urges the Office of the High Commissioner for Human Rights to provide support to the States that request it for the collection of such information;

36. *Recommends* that concerned States take measures to ensure that the disproportionately low levels of representation of people of African descent in the judiciary and other areas of the justice system be addressed and calls upon States to identify factors that have resulted in the disproportionate number of arrests, sentencing and incarceration of people of African descent and migrants, 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;

37. *Recommends also* that States and international and regional organizations establish independent bodies, where they do not already exist, to receive complaints made by people of African descent and migrants regarding discrimination in access to housing, education, health, employment and other fundamental rights;

38. *Takes note* of the important role of the United Nations and its relevant specialized agencies such as the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the World Health Organization and others in helping States to enhance their capacity to implement the Durban Programme of Action, and invites the United Nations system and its relevant specialized agencies to exert maximum effort in providing targeted technical assistance and cooperation;

39. *Takes note also* of the important efforts, programmes and mechanisms initiated and promoted by the African Union falling within the scope of the Durban Declaration and Programme of Action and calls upon the international community to provide added recognition, cooperation and assistance to such African initiatives;

40. *Recommends* that States guarantee universal and effective access to medications at affordable prices, particularly those required for the prevention and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate;

41. *Recommends also* that the United Nations create a fellowship programme for people of African descent;

42. *Draws attention* to the impact of counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial, ethnic, national and religious profiling;

43. *Reiterates* the importance of the recommendation made by the five independent eminent experts to follow up on the implementation of the Durban Declaration and Programme of Action that a racial equality index be developed as a tool to assess more effectively discrimination that affects people of African descent and other vulnerable groups and to guide the adoption of policies to remedy their situation;

44. *Stresses* the need to assess the current situation and contribute to achieving racial equality, including through the collection and use of disaggregated statistics on various groups, the development of guidelines in that regard and the finalization of the racial equality index;

45. *Expresses* the view that States and other actors may require guidance and assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

46. *Emphasizes* the need for the United Nations system and its relevant specialized agencies to provide targeted technical cooperation to enhance the effective implementation of the Durban Programme of Action;

47. *Acknowledges* those States that have made formal apologies to the victims of colonialism and past historic injustices to achieve healing and reconciliation;

48. *Urges* States that have not done so to issue expeditiously formal apologies to the victims of colonialism and past historic injustices and to take all measures necessary to achieve healing and reconciliation;

B. Assessing, for the purpose of enhancing, the effectiveness of existing Durban Declaration and Programme of Action follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance

49. *Acknowledges* the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms and stresses the importance of creating the necessary synergies between them;

50. *Takes note of* the determination of the United Nations High Commissioner for Human Rights, which was welcomed in General Assembly Resolution 61/149, to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make it a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights and urges the Office to translate the intention into reality;

51. *Urges* the Office of the High Commissioner on Human Rights and States at the national level to continue to raise awareness of and bring visibility to the mechanisms referred to in the preceding paragraph through campaigns and other special events;

52. *Calls upon* the Human Rights Council to grant those mechanisms increased competence in the area of follow-up, such as the power to submit additional requests for information on the implementation of recommendations and follow-up visits;

53. *Urges* the direct and explicit endorsement of the recommendations of the Durban Declaration and Programme of Action follow-up mechanisms in General Assembly and Human Rights Council resolutions thus giving those recommendations added political weight;

54. *Stresses* the importance of mainstreaming the output of the Durban Declaration and Programme of Action follow-up mechanisms throughout the United Nations system, in particular its specialized agencies such as the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization;

55. *Stresses also* the importance of incorporating the relevant recommendations in complementary international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance;

56. *Notes* the necessity of enhancing the participation of civil society organizations and victims of racism in meetings of the Durban Declaration and Programme of Action follow-up mechanisms;

57. *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 people of African descent and Africans in the diaspora;

58. *Recommends* that a voluntary fund be created to facilitate the participation of civil society, including non-governmental organizations and national human rights institutions that represent people of African descent and migrants, in meetings and activities of mechanisms for the follow-up to the Durban Declaration and Programme of Action;

59. *Reiterates* its request to the Human Rights Council that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance gather, request, receive and exchange information and communications with all relevant sources on issues and alleged violations falling within the purview of his or her mandate and investigate and make concrete recommendations with a view to eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

60. *Urges* that the provisions of General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade be fully integrated into the mandates of the Durban Declaration and Programme of Action follow-up mechanisms;

61. *Recognizes* that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and its agreement on

qualifying the slave trade as a crime against humanity, and regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on that accomplishment;

62. *Requests* the Human Rights Council to organize a seminar or a panel discussion on all aspects of the transatlantic slave trade provisions of the Durban Declaration and Programme of Action and General Assembly resolutions 61/19 and 62/122, taking into consideration African Union initiatives on this issue, and include its findings and recommendations in the Preparatory Process and the Durban Review Conference;

C. Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination

63. *Notes with concern* the refusal by some parties to cooperate or engage with the Durban Declaration and Programme of Action follow-up mechanisms and the non-implementation of their recommendations and lack of acceptance of follow-up measures;

64. *Regrets* that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action and encourages those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible;

65. *Regrets also* that some States have refrained so far from acceding to the Convention on the Protection of All Migrant Workers and their Families and reiterates its appeal to these States to do so as soon as possible;

66. *Recommends* that States consider measures to strengthen implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in their domestic legal orders;

67. *Urges* States as a matter of priority seriously to consider withdrawing all reservations and interpretative statements that are incompatible with the object and purpose of the International Convention on the Elimination of All Forms of Racial Discrimination;

68. *Renews* its call to States to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider

communications to enable victims to avail themselves of the remedy provided under article 14 of the Convention;

69. *Requests* those States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that have made the declaration under article 14 to increase awareness of the Convention among the people in their territories and to ensure that the procedural aspects are understood and adhered to;

70. *Recommends* granting the Committee on the Elimination of Racial Discrimination the competence to undertake field visits and to assume a role in assisting national mechanisms mandated to combat racism, racial discrimination, xenophobia and related intolerance;

71. *Emphasizes* strongly the need to enhance follow-up to the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination, including those pertaining to States' obligations in situations of armed conflict and territories falling under their effective control where protection provided by international law is at its weakest;

72. *Recommends* that the Committee on the Elimination of Racial Discrimination respond adequately in providing technical assistance to States Parties, upon their request, in relation to the interpretation of the scope of the Convention;

73. *Encourages* States to include in their periodic reports information on action plans or other measures that they have taken to implement the Durban Declaration and Programme of Action at the national level;

74. *Calls upon* States to disseminate the Durban Declaration and Programme of Action in an appropriate manner and provide the Committee with information on efforts made in that respect under the section of their periodic reports concerning article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination;

75. *Urges* States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to comply with their reporting obligations under the Convention by presenting reports in a timely manner in conformity with the relevant guidelines adopted by the Committee in 2007;²

76. *Emphasizes* the importance of setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

77. *Encourages* national human rights institutions to assist their respective States to comply with their reporting obligations under the International Convention on the Elimination of All Forms of Racial

² CERD/C/2007/1.

Discrimination and to monitor closely the follow-up to the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination;

78. *Urges* non-governmental organizations to continue to provide the Committee on the Elimination of Racial Discrimination with relevant information in a timely manner in order to enhance its cooperation with them;

79. *Reiterates* its request to the Office of the High Commissioner for Human Rights to continue its efforts to increase awareness of the work of the Committee on the Elimination of Racial Discrimination;

80. *Invites* relevant United Nations bodies to provide the Committee on the Elimination of Racial Discrimination with resources adequate to enable it to discharge its mandate fully;

D. Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance

81. *Recognizes* that a broad, global exchange of good practices in combating racism could serve as examples and assist States, the judiciary, social partners and civil society to implement more effectively the provisions of the Durban Declaration and Programme of Action and recommends the following best practices:

(a) Elaborating democratic and inclusive processes to overcome centuries-old racism and racial discrimination, including the establishment of national truth and reconciliation committees and schemes aimed at empowering the victims of such discrimination;

(b) Issuing formal apologies to victims of colonialism and other historic injustices as a means of achieving healing and reconciliation in societies and redressing the impact of such injustices;

(c) Devising legislation and policies that are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level to complement the more general provisions enshrined in national constitutions;

(d) Establishing institutions at the national and regional levels to combat racism and monitor racist acts and phenomena;

(e) Elaborating specific laws on combating incitement to racial and religious hatred, in conformity with obligations under article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;

(f) Issuing laws on the protection of particularly vulnerable ethnic groups and, as required and on a non-selective basis, laws that

seek to protect particular groups that are more susceptible, in certain contexts, to racism;

- (g) Establishing institutions with the function of promoting tolerance and intercultural harmony through dialogue;
- (h) Introducing educational curricula aimed at raising awareness of different cultures and civilizations with a fair and objective perspective and with the involvement of the concerned communities;
- (i) Commemorating within the United Nations and beyond the plight of victims of colonialism and other historic injustices;
- (j) Incorporating into domestic law obligations under the International Convention on the Elimination of All Forms of Racism;
- (k) Conducting broad consultations at the national level in the implementation of the Durban Declaration and Programme of Action;
- (l) Recruiting for various posts at all levels through affirmative action schemes;
- (m) Devising special laws and policies for confronting the ideologies and practices of political groups advocating racist platforms;
- (n) Requesting the Office of the High Commissioner for Human Rights to compile a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to people of African descent and migrants;
- (o) Requesting also the Office of the High Commissioner for Human Rights, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and other relevant organizations to develop databases and to disseminate good practices effectively;

E. Further concrete measures and initiatives at all levels aimed at combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, fostering implementation of the Durban Declaration and Programme of Action and addressing challenges and impediments thereto, including in the light of developments since the adoption of the Declaration and Programme of Action in 2001

82. *Prohibiting* by law, and adopting the necessary policy measures to eliminate, racial profiling and profiling based on any grounds of discrimination recognized under international human rights law, providing for sanctions for those who violate the law and ensuring effective redress for their victims;

83. *Protecting* the human rights of migrants whether regular or irregular;

84. *Countering* anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant

objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;

85. *Replicating* the policy of a major destination State on the collection, compilation, analysis and publication of reliable statistical data on irregular migrants pursuant to paragraph 92 of the Durban Programme of Action so as:

(a) To assess by sector the gap between national labour demand and supply;

(b) To promote the conclusion of bilateral and multilateral labour agreements to fill this gap and thus to reduce, with a view to its ultimate elimination, irregular migration to destination States and the practice of human trafficking;

86. *Prohibiting* by law, and adopting necessary policy measures to combat, the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred;

87. *Ensuring*, in relation to the two above-mentioned themes:

(a) That lawmakers in every country discharge their responsibilities in conformity with paragraph 2 of article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, taking due account of General Comment 15 of the Committee on the Elimination of Racial Discrimination;

(b) That model legislation on this issue is elaborated through a joint exercise to be undertaken by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee;

(c) That permissible limitations on the exercise of the right to freedom of expression are elaborated and, where appropriate, incorporated into national legislation;

(d) That a voluntary ethical code of conduct is elaborated, in association with the International Federation for Journalists, to address racism in the media and other modern information and communication technologies while taking into account fundamental issues, such as the right to freedom of expression, and to eliminate the projection and perpetuation through the media and new technologies of negative images and stereotypes of African people and people of African descent;

(e) Establishing the necessary complementarity and balance between human rights and fundamental freedoms with a view to fighting racism, racial discrimination, xenophobia and related intolerance;

88. *Urging* the Human Rights Council to address the denial of genocide, as recognized by the United Nations, as an attempt to undermine the recognition of genocide as a crime under international law;

89. *Combating* impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing redress for victims of those violations;

90. *Advocating* and mobilizing the political will of relevant actors at the national level for the elimination of racism, racial discrimination, xenophobia and related intolerance;

91. *Enhancing* the roles of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

92. *Sharing* best practices in the elimination of all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

93. *Establishing* national, regional and international bodies to monitor racist and xenophobic acts, including the Office of the High Commissioner for Human Rights observatory for racist incidents proposed by the Special Rapporteur on racism. Those bodies should also undertake a detection role in relation to potential conflict based on racism, racial discrimination, xenophobia and related intolerance;

94. *Collecting and analysing* empirical evidence necessary to the prevention and monitoring of racism, racial discrimination, xenophobia and related intolerance;

95. *Operationalizing* the recommendation of the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and freedom of religion or belief that the Human Rights Council invite member States to promote and practice dialogue among cultures, civilizations and religions as a profound way of combating racial and religious intolerance. To that end, the following approaches are suggested:

(a) Promotion of reciprocal knowledge among cultures, civilizations and religions, with a particular emphasis on value systems;

(b) Adoption of policies and programmes in the fields of education, social, economic and cultural life favouring interactions among communities;

(c) Recognition of the value of cultural and religious diversity associated with the promotion of unity within society;

(d) Creation of conditions that facilitate encounters, dialogue and joint action for social harmony, peace, human rights and development, and combat all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

96. *Elaborating*, in each country where they do not exist, within the framework of national human rights programmes, targets and actions in the field of capacity-building and a programme of human rights education and identification of needs and shortcomings associated with international cooperation;

97. *Defining*, within the framework of national human rights programmes, targets and actions in compliance with the Universal Declaration of Human Rights aimed at, among other things, eliminating discrimination of any kind, such as on the basis of race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status;

98. *Devising* programmes and the creation of national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles

99. *Expressing* concern at the increasing incidence of racism in various sporting events while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism and in this regard inviting all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

100. *Inviting*, in this context, the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requesting the High Commissioner for Human Rights in her capacity as the Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Federation and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

101. *Inviting* the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit of her office so that it better serves the mechanisms established for the follow-up and implementation of the Durban Declaration and Programme of Action and interacts effectively with all partners, including civil society, in the global work against racism.

Annex VIII

**WRITTEN CONTRIBUTION SUBMITTED BY THE ORGANIZATION
OF THE ISLAMIC CONFERENCE (OIC)**

Written OIC Contribution

1. Review of progress and assessment of 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.

The OIC considers DDPA as an important milestone in the collective struggle of mankind against the scourge of racism, racial discrimination, xenophobia and related intolerances. As a result of the collective resolve expressed by the UN family in 2001 in Durban, a number of countries have taken substantial steps to incorporate and implement the spirit of DDPA in their national policies framework. Others have worked to streamline their policies in accordance with the character of DDPA. All these steps and efforts indicate progress in many cases.

Nevertheless, there remain daunting challenges to surpass in this battle. A series of very authentic and well researched reports by the Special Rapporteur on racism, racial discrimination and xenophobia testify the increase in the incidence of racism, while as the old and new manifestations persist. Hence, the need to deal with this menace in all its forms and manifestations with all available tools at our disposal. A number of independent reports including those from the European Monitoring Centre for Racism and Xenophobia substantiate the Special Rapporteur's findings.

Intellectual and political resistance to multiculturalism is one of the root causes of the resurgence of racist and xenophobic violence. Rejection of diversity has led to negation of the very humanity of the immigrants, foreigners and minorities. The most serious manifestation of racism is the democratic legitimization of racism and xenophobia in the guise of defending 'national identity or preference'. No country, religion or minority should be discriminated on the grounds of its race, colour and creed.

Some of the other obstacles hampering progress in the collective struggle against racism and racial discrimination include; weak legislation and policies, lack of moral, educational and practical strategies, non-implementation of international legal framework and commitments by some, persisting impunity on different grounds such as freedom of expression, counter terrorism or national security as well as sharp increase in the extreme right wing xenophobic political platforms.

As regards the debate of contemporary forms of racism, some of the most worrying trends since 2001 include racio-religious profiling and discrimination, defamation of

Muslims, their faith and beliefs, incitement to religious hatred and its concomitant effects on multiculturalism, national and international peace and stability as well as human rights of the affected communities.

The OIC agrees with the Special Rapporteur on Racism that defamation of religions cannot be dissociated from a profound reflection on the trends of racism, racial discrimination, xenophobia and related intolerance that are developing in the current political and ideological context.

The OIC shares the Special Rapporteur's assessment that the most serious manifestations of defamation of religions are the increase in Islamophobia and the worsening of the situation of Muslim minorities around the world. He has mentioned three main developments in this context; a) the stereotypical association of Islam (and Muslims) with violence and terrorism; b) the determination to impose restrictions on manifestation of Islam including construction of mosques and its minarets; and c) monitoring and surveillance of places of worship, culture and teaching of Islam.

The most disturbing phenomenon is the intellectual and ideological validation of Islamophobia. When it is expressed against migrants it takes the form of religio-ethnic or religio-racial tones, when it is expressed in the form of defamation of religions, it takes cover behind the freedom of expression and when it is expressed in the form of profiling. It hides behind the war against terrorism. The OIC believes that association of terrorism and violence with Islam or any other religion including through publication of offensive caricatures and making of hate documentaries would purposely complicate our common endeavours to address several contemporary issues including fight against terrorism and occupation of foreign territories and peoples.

Besides strengthening discrimination against Muslims, this insidious association is preventing Muslim communities from practicing their religion freely or integration in the society, in many countries. Discrimination on multiple grounds of religion, ethnicity or culture further affects enjoyment of their basic human rights including economic, social and cultural rights. Durban Review Conference, therefore, must look into this contemporary manifestation of racism and seek proscription of this practice through legal and administrative measures. As the existing national laws and courts have failed to address the issue, internationally binding normative standards need to be devised that can provide adequate guarantees against defamation of religions and religious intolerance.

Although 7 years have passed since the adoption of DDPA, the Palestinian people continue to be denied the fundamental right of self determination. In order to consolidate the occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction on movement and arbitrary closure of their territories. Illegal settlements continue to be built in the occupied territories. The Review Conference must look into the human rights situation and urge member states to implement the provisions of DDPA with a view to bring lasting peace in the Middle East.

2. Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of

racism, racial discrimination, xenophobia and related intolerance in order to enhance them.

Effectiveness of any follow up mechanism is linked to the political acceptability and commitment of the member states to that subject as well as the process.

A number of mechanisms were created to follow up on the DDPA. But the result of their hard work in the shape of their valuable suggestions and recommendations has not borne results. Effective implementation of the DDPA as well as the recommendations of its follow up mechanisms is needed to guarantee promotion and protection of the rights of the victims of racism, racial discrimination and xenophobia.

Besides political commitment to the cause, some of the ways which could help strengthen the follow up mechanisms are as following:

- a- Enhanced visibility to the message of DDPA and its follow up mechanisms through effective media campaigns by the UNDPPI as well as national governments.
- b- Effective coordination between various Durban mechanisms and their regular interaction with relevant special procedures, CERD, HRC and GA.
- c- Creating necessary reporting linkages to these mechanisms by the member states on their recommendations as well as provision of information on the subjects of relevance.
- d- Follow up on the recommendations of these mechanisms to be pursued by the OHCHR;
- e- Relevant recommendations to be kept in mind by special rapporteurs while reporting on their respective themes /mandates. Resolutions on racism related subjects should also include and give prominence to the recommendations of these mechanisms;
- f- Relevant recommendations must also find place in the new international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance as well as mainstreaming the subject of racism throughout the UN system; and
- g- Ensuring effective participation of civil society and victims of different forms of racism to ensure relevance as well as focused orientation.

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.

While the universality of the Convention is already an objective of the DDPA, it also calls upon member states to extend full cooperation to the Committee on Elimination of Racial Discrimination and other human rights treaty monitoring bodies to promote the effective implementation of the instruments concerned and proper consideration of

the recommendations adopted by these bodies with regard to complaints of racism, racial discrimination, xenophobia and related intolerance.

In order to achieve these objectives, it would be important that all member states should ratify the Convention on priority as well as to regularize their reporting obligations. Accordingly, state parties to ICERD should not have any reservations or interpretative statements attached to their instruments of accession, which are incompatible with the object and purpose of the Convention. The OIC also supports DDPA's call for provision of adequate resources for the Committee in order to enable it to discharge its mandate fully and most effectively. This includes provision of technical support by the Committee to the state parties, on request.

4. Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance.

Identification of best practices in an intergovernmental setting is a difficult task. Different practices are based on different experiences. Results achieved may also vary and could be potentially contentious. Nevertheless, it is important to look closely on different practices which have yielded results and can be emulated by others in the common fight against racism, racial discrimination, xenophobia and related intolerance.

At the same time, however, it would be worthwhile to look at the practices, laws and policies which have proved to be counterproductive in the fight against racism and should be avoided by the rest.

Most national constitutions and laws provide for a general framework against the racial tendencies. It is important that such frameworks be broadened to take into account specific policies and acts that can address different forms of racial discrimination. There is a need to strengthen different national and regional institutions on account of their capacity to combat racist tendencies with the area of their responsibility.

The OIC strongly believes in the freedom of expression and considers it as a corner stone of contemporary human rights regime. However, misuse or abuse, as provided in Article 20 of the ICCPR and Article 4 of the ICERD must be taken into account to avoid possible negative fall outs. Therefore, while elaborating specific laws on combating incitement to racial and religious hatred, these must conform to the relevant provision of ICCPR and ICERD.

An important element in the fight against racism is the need to raise awareness and enhance understanding between and among different cultures and societies. Some useful steps have been taken such as Interfaith Dialogue and Cooperation for Peace and Alliance of Civilizations. Such mechanisms must not only be supported but enhanced and multiplied at all possible forums. At the national level such mechanisms should be created to reach out to all the religious ethnic and linguistic minorities and vulnerable groups. This approach will bring about better understanding of the

problems and misconceptions at different level as well as provide ownership in the programmes designed for the betterment of vulnerable groups. The benefits of interfaith cooperation and dialogue should be taught at the basic level to ensure effective integration of minorities and better understanding and tolerance among societies.

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 DDPA and to address challenges and impediments thereto, including in light of developments since the adoption of the DDPA in 2001.

The OIC condemns human rights violations, irrespective of their origin, and is not against "reasonable and fair criticism." However, recent events have once again highlighted the need to demarcate the legal contours between freedom of expression and hate speech. OHCHR's proposed Expert Consultations on the permissible limits to freedom of expression, by taking into account the mandatory prohibition of advocacy of religious hatred, should reach some conclusions and recommendations coming out from the consultations should be worthy of including in the Review Conference documents.

National laws alone cannot deal with the rising tide of defamation and hatred against Muslims, especially if such trends are spreading to the grass root communities. A framework is needed to analyze national laws and understand their provisions. This could then be compiled in a single "universal document" as guidelines for legislation – aimed at countering "defamation of religions".

Some of the other normative and preventive measure that have been proposed over time during discussions on the subject of Review mechanisms include; a) mandatory prohibition by law to eliminate racio-religious profiling or profiling based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

As has also been highlighted in different reports under agenda item 9, one of the principal reasons fomenting the tide of racism is the growing increase in the right wing extremist political discourse, including in some of the most liberal and pluralistic societies. This trend has led to the deepening of the racist tendencies in those societies through propaganda against immigrants and promotion of cultural and religious superiority doctrines. Immunity granted to such acts has led to denial of basic human rights to the affected communities including their right to freely practice and preserve their religious and cultural identities. Effective legislation is needed at

the national, regional and international levels to curb these tendencies as well as to ensure relief to the victims.
