



# General Assembly

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## Human Rights Council

### Forty-second session

9–27 September 2019

Agenda item 9

### Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

**Angola,\* Azerbaijan,\*\* Bolivia (Plurinational State of),\*\* Haiti\*\* and Turkey:\*\*  
draft resolution**

#### **42/... From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, promoting and encouraging respect for human rights and fundamental freedoms for all,

*Recalling* the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

*Recalling also* all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

*Recalling further* the General Assembly resolutions in this regard, in particular Assembly resolution 73/262 of 22 December 2018, and the imperative need for their full and effective implementation,

*Emphasizing* the primacy of the International Convention on the Elimination of All Forms of Racial Discrimination as a principal international instrument to combat all the scourges of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and underlining the imperative need to elaborate complementary international standards as recommended in paragraph 199 of the Durban Declaration and Programme of Action,

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\* On behalf of the States Members of the United Nations that are members of the Group of African States.

\*\* State not a member of the Human Rights Council.



*Concerned* that many years have lapsed since the adoption of the Durban Declaration and Programme of Action, and regretting in this regard that its objectives have not been met,

*Concerned also*, in the above context, at the increasing incidents of racially motivated hatred in all its forms and manifestations, some of which have taken violent forms with concomitant racial profiling, precipitated by the resurgence of extremist nationalism and populism,

*Underlining* the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals and groups, in particular people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

*Noting with appreciation* the annual observance in Geneva of the International Day of Remembrance of the Victims of Transatlantic Slavery and the Slave Trade, and the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the Durban Declaration and Programme of Action as the only instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for combating all the scourges of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms;

3. *Alarmed* at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

4. *Encourages* States to make the requisite declaration in accordance with 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 from individuals or groups of individuals within their jurisdiction under its complaints procedure;

5. *Reaffirms* the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its tenth session, commenced discussions on the elaboration of a draft additional protocol to the Convention;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize a two-day expert seminar, with two legal experts from each region in the relevant areas of law, a member of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in order to consider the draft elements of the draft additional protocol to the Convention prepared pursuant to General Assembly resolution 73/262 and Human Rights Council resolution 34/36 by the Ad Hoc Committee at its tenth session, and to prepare a report on the deliberations and recommendations thereon and submit it to the Ad Hoc Committee at its eleventh session;

7. *Requests* the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action to convene its seventh session for five working days during 2020, and to submit a report to the General Assembly at its seventy-fourth session, and in this regard invites the Chair of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventy-fifth session;

8. *Deplores* the ongoing use of social media platforms to incite hatred and violence against migrants, refugees and asylum seekers, and calls upon States to prohibit by

law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated by information and communications technology;

9. *Reaffirms* the rights to freedom of expression, association and peaceful assembly, and that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law;

10. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

11. *Welcomes* the convening of regional meetings organized by the Office of the High Commissioner to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings;

12. *Also welcomes* the decision by the General Assembly, in its resolution 73/262, to establish a permanent forum on people of African Descent, which will serve as a consultation mechanism for people of African descent and other interested stakeholders and as a platform for improving the quality of life and livelihoods of people of African descent and to contribute to elaborating a United Nations declaration, which is the first step towards a legally binding instrument, on the promotion and full respect of human rights of people of African descent;

13. *Requests* the Office of the High Commissioner to commence preparations for the midterm review, in 2020, of the International Decade for People of African Descent;

14. *Requests* the High Commissioner, in her capacity as coordinator of the Decade, to submit a midterm report on her activities in follow-up to the implementation of the programme of activities within the framework of the Decade to the Human Rights Council at its forty-fifth session;

15. *Requests* the Office of the High Commissioner to convene in 2020, from within existing resources and in cooperation with other relevant entities of the United Nations system, a midterm review of the Decade;

16. *Requests* the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to commence preparations for the commemoration, in 2021, of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, from within existing resources, and to submit a comprehensive report on its implementation to the Human Rights Council at its forty-fifth session and the General Assembly at its seventy-fourth session;

17. *Welcomes* the intention of the African Union to convene a consultative group for the project to establish at the United Nations Office at Geneva a memorial to the victims of slavery and the transatlantic slave trade, and invites Member States and all other actors to lend their support to the initiative;

18. *Requests* the High Commissioner to prioritize the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

19. *Decides* to remain seized of this important issue.