



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2000/L.13
7 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 6

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION

Nigeria (on behalf of the States members of the African Group), Brazil,
Dominican Republic*, Mexico, Uruguay*: draft resolution

2000/ ... Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

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

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

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Taking note of resolution 54/154 of 17 December 1999, in which the General Assembly welcomed the offer by the Government of South Africa to host the World Conference against Racism, Racial discrimination, Xenophobia and Related intolerance,

Reaffirming its resolution 1998/26 of 17 April 1998, in which it recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be focused on the preparatory process for the World Conference,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which call for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Taking note of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2000/82),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Recalling General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16 and Add.1),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Stressing the need to recognize that acts of violence motivated by racial discrimination and xenophobia are crimes punishable by law,

Also stressing the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

I

General

1. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and related intolerance, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;
2. Declares that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;
3. Calls upon all States to prosecute and punish crimes motivated by racism and to this end to include racist motivation as an aggravating factor for the purposes of sentencing;
4. Recognizes the vulnerability of victims of racial acts, as well as the difficulties they often face in seeking legal remedies, and in this regard calls upon States to provide, where appropriate, legal assistance, in order to facilitate access to legal processes;
5. Urges all political parties to condemn racist and xenophobic remarks or behaviour and refrain from choosing candidates and cooperating with political groups which subscribe to racist and xenophobic objectives;
6. Underlines upon the importance of effective action to create conditions that foster greater harmony and tolerance within societies;
7. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;
8. Calls upon all States to review and, where necessary, revise their immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants;

9. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;
10. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;
11. Urges Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media ;
12. Calls upon all States to declare illegal and prohibit organizations which promote and incite racism and racial discrimination;
13. Also calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in this regard, including those on the importance of integration of vulnerable groups in mainstream societies;
14. Invites all States, in their efforts aimed at promoting racial harmony, to involve, or, as necessary, to establish, national institutions and other appropriate organizations;
15. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;
16. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;
17. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures and to refrain from disseminating racist and xenophobic ideas, through the adoption, as appropriate, of codes of conduct;
18. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

19. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1998 were carried out;

20. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

21. Recommends that the General Assembly, through the Economic and Social Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme;

22. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

23. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

24. Welcomes the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

25. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as particularly serious a problem as violence based on racism, racial discrimination, xenophobia and related intolerance;

26. Requests all States to encourage the reporting of all acts motivated by racism, racial discrimination, xenophobia or ethnic reasons in order to facilitate the necessary inquiries and bring the persons who commit such acts to trial;

27. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

28. Calls upon all member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

III

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

29. Takes note with satisfaction of the report of the Special Rapporteur (E/CN.4/2000/16 and Add.1);

30. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

31. Requests the Special Rapporteur to continue his exchange of views with member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

32. Also requests the Special Rapporteur to examine the issue of political platforms based on racist and xenophobic ideals, which violate fundamental human rights, and to submit recommendations thereon to the Preparatory Committee for the World Conference at its second session;

33. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

34. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

35. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

36. Commends those States that have so far invited and received the Special Rapporteur;

37. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-seventh session, under the same agenda item, information on the measures taken to implement those recommendations, and to undertake follow-up visits, if necessary;

38. Notes with concern the increase in the use of new communications technologies, in particular the Internet, to disseminate racist ideas and incite racial hatred;

39. Notes that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance, for example through the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

40. Requests the United Nations High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

41. Urges the High Commissioner to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV

International Convention on the Elimination of All Forms of Racial Discrimination

42. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

43. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations

thereto and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

44. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the Convention to do so;

45. Urges States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

46. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

47. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

48. Invites the States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination;

V

World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance

49. Takes note of the report of the Secretary-General on the implementation of Commission resolution 1999/78 of 28 April 1999 (E/CN.4/2000/15);

50. Welcomes the offer by the Government of South Africa to host in 2001 the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites the international community to support the host country with financial resources;

51. Requests the High Commissioner, in her capacity as Secretary-General of the World Conference, to continue and intensify the activities already initiated within the framework of the world information campaign with a view to mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors;

52. Welcomes the efforts by the High Commissioner to include, inter alia, in her strategy for informing international public opinion and raising awareness about the objectives of the World Conference the activities outlined in paragraph 51 (a) to (e) of Commission resolution 1998/78 and encourages her to continue these efforts;

53. Urges all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to support the High Commissioner and the Department of Public Information of the Secretariat and give them full and complete cooperation for the coordination of information activities;

54. Requests the High Commissioner to undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, insofar as possible, to provide them with technical assistance for that purpose;

55. Expresses concern at the lack of financial support to hold regional meetings in preparation of the World Conference, and calls upon all States to respond expeditiously to the High Commissioner's appeal in this respect;

56. Requests the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference and stresses that such assistance should be supplemented by voluntary contributions;

57. Recommends that the regional preparatory processes should include the campaign for information and sensitization of public opinion to the objectives of the World Conference on their agenda;

58. Requests the regional preparatory processes to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes;

59. Encourages the regional preparatory processes to coordinate among themselves, with a view to facilitating and optimizing their contributions to the preparatory process of the World Conference;

60. Calls upon the regional preparatory meetings to submit to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the texts of the draft final documents of the World Conference to be prepared by the Committee;
61. Invites Governments to promote the participation of national institutions and local non-governmental organizations in the preparations and in regional meetings and to organize debates in national parliaments on the objectives of the World Conference;
62. Encourages all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means for the effective involvement of parliaments through the relevant international organizations;
63. Invites United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and the special rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;
64. Recommends that the World Conference should adopt a declaration and programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;
65. Stresses the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;
66. Recommends that the particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome;
67. Welcomes the decision of the General Assembly to declare 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
68. Calls upon all States, United Nations bodies, specialized agencies, regional organizations and intergovernmental as well as non-governmental organizations to mobilize their efforts in realizing the objectives of the International Year;

69. Emphasizes that the activities which will be implemented within the framework of the International Year should be directed towards the preparation of the World Conference;

70. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

71. Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item.
