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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-SIXTH SESSION OF THE COMMISSION

Draft report of the Commission

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CONTENTS*

<u>Chapter</u>	<u>Page</u>
II. Resolutions and decisions adopted by the Commission at its fifty-sixth session	
A. <u>Resolutions</u>	
2000/14. Racism, racial discrimination, xenophobia and related intolerance	

* Documents E/CN.4/2000/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2000/L.11 and addenda.

2000/14 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,

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,

Recognizing that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

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 resolutely to bring to justice the perpetrators of crimes motivated by racism and calls upon those who have not done so, to consider including racist motivation as an aggravating factor for the purposes of sentencing;
4. Recognizes the vulnerability of victims of acts racial discrimination, which violate their human rights and fundamental freedoms, as well as the difficulties they often face in seeking legal remedies, and in this regard calls upon all States to provide, when needed, legal assistance, in order to facilitate access to justice, as well as to consider establishing appropriate policies and structures at a national level, inter alia, an ombudsman to deal with these kinds of acts;

5. Calls upon all States to intensify their efforts in taking appropriate measures to prevent political parties from promoting and inciting racial discrimination in violation of human rights;

6. Underlines 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. Urges all States to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, with respect to:

(a) Declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Declaring illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(c) Not permitting public authorities or public institutions, national or local, to promote or incite racial discrimination;

13. 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. 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 all appropriate means, such as codes of conduct;

17. 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

18. 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;

19. 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;

20. 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;

21. 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;

22. 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;

23. 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;

24. 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;

25. 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;

26. 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;

27. 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

28. Takes note with satisfaction of the report of the Special Rapporteur (E/CN.4/2000/16 and Add.1);
29. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;
30. 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;
31. Also requests the Special Rapporteur to examine the issue of political platforms which promote or incite racial discrimination in violation of human rights and to submit recommendations thereon to the Preparatory Committee for the World Conference at its second session;
32. 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;
33. 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;
34. 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;
35. Commends those States that have so far invited and received the Special Rapporteur;
36. 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;

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

38. 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;

39. 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;

40. 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

41. 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;

42. 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;

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

44. 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;

45. 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;

46. 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;

47. 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

48. Takes note of the report of the Secretary-General on racism, racial discrimination, xenophobia and all forms of racial discrimination concerning the implementation of Commission resolution 1999/78 of 28 April 1999 (E/CN.4/2000/15);

49. 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;

50. Recalls its decision, in resolution 1999/78, and decides to appoint an 11-member Bureau for the two sessions of the Preparatory Committee, comprising two representatives per regional group and a representative of the host country as an ex-officio member, in order to ensure continuity and the adequate representation of all Member States;

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 for Human Rights to include in her strategy for informing international public opinion and raising awareness about the objectives of the World Conference, and encourages her to continue these efforts;

53. Also welcomes the efforts of the High Commissioner for Human Rights in initiating consultations with various international sporting and other organizations to enable them to contribute to the struggle against racism and racial discrimination in the framework of the World Conference;

54. Urges all States, United Nations bodies, international, regional and subregional governmental organizations, nongovernmental 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;

55. Encourages the participation of non-governmental organizations in the World Conference and in the sessions of the Preparatory Committee and calls upon the Secretary-General of the Conference to expedite arrangements for accreditation of non-governmental organizations, including those that are not in consultative status with the Economic and Social Council, in accordance with Council resolution 1996/31 of 25 July 1996;

56. 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;

57. Welcomes the offers made by the Governments of Senegal, Islamic Republic of Iran and Brazil, and by the Council of Europe, to host regional preparatory meetings for the World Conference;

58. Expresses concern at the lack of financial support to hold regional meetings in preparation of the World Conference, and invites all States to contribute generously to the trust fund established by the High Commissioner in order to cover the activities foreseen within the framework of the World Conference and, in particular, to respond positively and in a timely manner to the appeal for the preparation of the Conference contained in the Annual Appeal of the Office of the High Commissioner for Human Rights and also invites the specialized agencies and regional commissions of the United Nations to contribute to the organization of regional conferences;

59. 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;

60. 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;

61. 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;

62. 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;

63. 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;

64. 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;

65. Encourages all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means of effective involvement of parliaments through the relevant international organizations;

66. 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;

67. 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;

68. Stresses the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;

69. 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;

70. Welcomes the General Assembly's decision to declare 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

71. 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;

72. 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;

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

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

53rd meeting

17 April 2000

[Adopted without a vote.
See chap. VI.]
