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COMMISSION ON HUMAN RIGHTS  
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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND  
ALL FORMS OF DISCRIMINATION**

**Austria\*, Belgium, China, Cuba, Denmark\*, Finland\*, France, Germany,  
Greece\*, Iceland\*, Ireland\*, Italy, Kenya (on behalf of the States  
members of the African Group), Luxembourg\*, Netherlands\*, Portugal,  
Spain, Sweden\*, United Kingdom of Great Britain and Northern Ireland,  
United States of America: draft resolution**

**2001/... 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,

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

*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,

*Taking note* of the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Taking note with satisfaction* of the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

*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 in June 1993 by the World Conference on Human Rights (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, discrimination against, inter alia, Africans, people of African descent, Arabs and Muslims, and incidents of 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 within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

*Recognizing* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

*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* that the phenomena of racism, racial discrimination, xenophobia and related intolerance against migrant workers continue to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families,

*Recalling* the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

*Taking note with satisfaction* of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83 and Add.1),

*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 intolerance, ethnic antagonism and acts of violence are showing signs of increase,

*Alarmed* that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

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

*Calling* for the promotion of tolerance and respect for cultural diversity as an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

*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,

*Welcoming* the General Assembly's decision to declare the year 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Having examined* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21),

*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,

*Stressing also* 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,

*Acknowledging* that indigenous people and persons belonging to national or ethnic, religious and linguistic minorities are at times vulnerable to particular forms of racism, racial discrimination, xenophobia and related intolerance,

*Noting with concern* the existence of multiple discrimination, in particular against women,

*Recognizing* that failure, especially by public authorities and politicians, to combat racial discrimination and xenophobia 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. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and racial discrimination;
3. *Urges* all Governments to take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance, including new and contemporary forms of racism, through specific measures and programmes, in particular in the legislative, judicial, administrative, educational and information fields;
4. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including in their legislation racist motivation as an aggravating factor for the purposes of sentencing;
5. *Recognizes* the vulnerability of victims of acts of racial discrimination that 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 the national level, inter alia, an ombudsman, to deal with these kinds of acts;
6. *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;
7. *Underlines* the importance of effective action to create conditions that foster greater harmony and tolerance within societies;
8. *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;
9. *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;
10. *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;

11. *Categorically condemns* any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

12. *Urges* Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;

13. *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 Convention, 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 prohibiting 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;

14. *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 into mainstream societies;

15. *Invites* all States, in their efforts aimed at promoting racial harmony, to involve or, as necessary, to establish, national institutions and other appropriate organizations;

16. *Welcomes* the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

17. *Encourages* the mass media, through all appropriate means, such as codes of conduct, to promote ideas of tolerance and understanding among peoples and between different cultures, and to refrain from disseminating racist and xenophobic ideas;

18. *Recalls with interest* 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* that the activities scheduled to take place during the Third Decade, and the Programme of Action and for the Decade have not been fully implemented owing to lack of interest, support and financial resources;

20. *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 for the Programme for the Decade to Combat Racism and Racial Discrimination, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

21. *Recognizes* the laudable and generous efforts by donors that have made contributions to the Trust Fund, 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;

22. *Recommends* that the General Assembly, through the Economic and Social Council, 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;

23. *Calls upon* all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action;

24. *Affirms its determination* to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as 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.4/2001/21 and Corr.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 continue his examination of 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 against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session;

32. *Reiterates its call* to all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply all relevant 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*, Africans, people of African descent, Arabs and Muslims and incidents of 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-eighth session, under the same agenda item, information on measures to implement those recommendations, and to undertake follow-up visits, if necessary;

37. *Notes with concern* that new communications technologies, in particular the Internet, are increasingly being used 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 through, *inter alia*, the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

39. *Requests* the United Nations High Commissioner for Human Rights to continue to undertake research and consultations on the use of the Internet for the 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 Convention 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 progress made in the preparatory process for the World Conference within the framework of the Preparatory Committee, and encourages the Committee to intensify its efforts in this regard;

49. *Also 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 2000/14 of 17 April 2000 (E/CN.4/2001/20);

50. *Encourages* all States and other entities, including intergovernmental organizations and non-governmental organizations, to contribute generously to the host country trust fund established in the Office of the High Commissioner for Human Rights to finance the activities of the World Conference, to be held in Durban, South Africa, from 31 August to 7 September 2001;

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

52. *Welcomes* the efforts by the High Commissioner to include 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 1999/78 of 28 April 1999, and encourages her to continue these efforts;

53. *Also welcomes* the efforts of the High Commissioner, in her capacity as Secretary-General of the World Conference, 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, as well as the appointment of goodwill ambassadors;

54. *Urges* all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to continue to support the High Commissioner and the Department of Public Information of the Secretariat and to 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 welcomes the efforts of the Secretary-General of the World 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 the arrangements for consultation with non-governmental organizations adopted by the Council in its resolution 1996/31 of 25 July 1996;

56. *Welcomes* the decision of non-governmental organizations, in consultation with the High Commissioner, to hold a forum before and partly during the World Conference, and requests the High Commissioner, insofar as possible, to provide them with technical assistance for that purpose;

57. *Expresses its appreciation* to the Governments of Senegal, the Islamic Republic of Iran and Chile, and to the Council of Europe, for hosting the regional preparatory meetings for the World Conference;

58. *Takes note* of the outcome of the regional preparatory meetings, and requests the Preparatory Committee, in its deliberations on the texts of the draft final documents of the World Conference, to take into account the recommendations of the regional meetings, and other inputs from States;

59. *Invites* Governments to promote the participation of national institutions and local non-governmental organizations in the preparations for and the process of the World Conference and to organize debates in national parliaments on the objectives of the World Conference;

60. *Encourages* all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means of effectively involving parliaments through the relevant international organizations;

61. *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;

62. *Recommends* that the World Conference adopt a declaration and programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

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

64. *Recommends* that the particular situation of children and young people receive special attention during the preparations for and during the World Conference itself, and especially in its outcome;

65. *Encourages* Governments, to that end, and to ensure further the engagement of young people on the broader issues of racism, racial discrimination, xenophobia and related intolerance, to include youth delegates in their official delegations to the World Conference and its preparatory processes;

66. *Recommends* that the particular situation of indigenous people receive special attention during the preparations for and during the World Conference, and especially in its outcome;

67. *Also recommends* that special attention be accorded during the preparations for and during the World Conference, and especially in its outcome, to the particular situation of migrants;

68. *Calls upon* all States, United Nations bodies, specialized agencies, regional organizations and intergovernmental and non-governmental organizations to mobilize their efforts to realize the objectives of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001;

69. *Emphasizes* that the activities to 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-eighth 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-eighth session under the same agenda item.

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