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### WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Preparatory Committee  
Third session  
Geneva, 30 July-10 August 2001

#### **Note by the Secretariat**

This document contains the reports of the working group on the draft declaration and the working group on the draft programme of action, established by the Preparatory Committee in its decision PC.3/1 of 30 July 2001, including the text of paragraphs agreed by the two working groups as of 8 August 2001 (9 p.m.). The working groups, chaired by H.E. Mr. Patrick Hénault, Ambassador of France for Human Rights and H.E. Mr. Gilberto Vergne Saboia, Secretary of State for Human Rights of Brazil respectively, met from 30 July to 10 August 2001.

## **ANNEX IV TO THE DRAFT REPORT**

### **DRAFT DECLARATION**

**PP1** Having met in Durban, South Africa, from 31 August to 7 September 2001; (Adopted by 2nd PrepCom)

**PP2** Expressing deep appreciation to the Government of South Africa for hosting the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (Adopted by 2nd PrepCom)

**PP3** Drawing inspiration from the heroic struggle of the people of South Africa against the institutionalized system of apartheid as well as for equality and justice under democracy, [development], the rule of law and respect for human rights, recalling in this context the important contribution to that struggle of the international community and, in particular, the pivotal role of the peoples and Governments of Africa, and noting the important role that different actors of civil society, including non-governmental organizations, played in that struggle and in ongoing efforts to combat racism, racial discrimination, xenophobia and related intolerance; (Adopted by 2nd PrepCom)

**PP4** Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance; (Adopted by 2nd PrepCom)

**PP5** Recalling Commission on Human Rights resolution 1997/74, General Assembly resolution 52/111 and subsequent resolutions of those bodies concerning the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and recalling also the two World Conferences to Combat Racism and Racial Discrimination held at Geneva in 1978 and 1993, respectively; (Adopted by 2nd PrepCom)

**PP6** Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be the victims of various forms of racism, racial discrimination, xenophobia and related intolerance; (Adopted by 2nd PrepCom)

**PP7** Recalling that the year 2001 is the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment to the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance; (Adopted by 2nd PrepCom)

**PP11** Recognizing that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in conjunction with the International Decade of the World's Indigenous People, presents a unique opportunity to consider the invaluable contributions of indigenous peoples to political, economic, social, cultural and spiritual development throughout the world to our societies, as well as the challenges faced by them, including racism and racial discrimination; (Adopted by 2nd PrepCom)

**PP13** Reaffirming our commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights; (Adopted by 2nd PrepCom)

**PP14** Affirming that racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations; (Adopted by 2nd PrepCom)

**PP15** Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; (Adopted by 2nd PrepCom)

**PP18** Having taken note of the reports of the regional conferences organized at Strasbourg, Santiago, Dakar and Tehran and other inputs from States, as well as the reports of expert seminars, non-governmental organization regional meetings and other meetings organized in preparation for the World Conference; (Adopted by 2nd PrepCom)

**PP20** Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies; (Adopted by 2nd PrepCom)

**PP22** Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life; (Adopted by 2nd PrepCom)

**PP27** Acknowledging that xenophobia, in its different manifestations, is one of the main contemporary sources and forms of discrimination and conflict, the combating of which requires urgent attention and prompt action by States, as well as by the international community; (Adopted by 2nd PrepCom)

**PP32** Noting with concern the continued and violent occurrence of racism, racial discrimination, xenophobia and related intolerance, and that theories of superiority of certain races and cultures over others, promoted and practised during the colonial era, continue to be propounded in one form or another even today; (Adopted by 2nd PrepCom)

**PP35** Recognizing that failure to combat and denounce racism, racial discrimination, xenophobia and related intolerance by all, especially by public authorities and politicians at all levels, is a factor encouraging their perpetuation; (Adopted by 2nd PrepCom)

**PP37** Recognizing both the challenges and opportunities presented by an increasingly globalized world in relation to the struggle to eradicate racism, racial discrimination, xenophobia and related intolerance; (Adopted by 2nd PrepCom)

**PP41** Dedicating ourselves to combating the scourge of racism, racial discrimination, xenophobia and related intolerance fully and effectively as a matter of priority, while drawing lessons from manifestations of racism and past experiences in all parts of the world with a view to avoiding their recurrence; (Adopted by 2nd PrepCom)

**PP42** Join together in a spirit of renewed political will and commitment to universal equality, justice and dignity, salute the memory of all victims of racism, racial discrimination, xenophobia and related intolerance all over the world, and solemnly adopt the Durban Declaration and Programme of Action; (Adopted by 2nd PrepCom)

## GENERAL ISSUES

1. We recognize and affirm that, at the outset of the third millennium, a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community, and that this Conference offers a unique and historic opportunity for assessing and identifying all dimensions of those devastating evils of humanity with a view to their total elimination through, inter alia, the initiation of innovative and holistic approaches and the strengthening and enhancement of practical and effective measures at the national, regional and international levels; (Adopted by WG on 30/7)
2. We express our solidarity with the peoples of Africa in their continuing struggle against racism, racial discrimination, xenophobia and related intolerance and recognize the sacrifices made by them as well as their efforts in raising international public awareness of these inhuman tragedies; (Adopted by 2nd PrepCom)
3. We also affirm the great importance we attach to the values of solidarity, respect, tolerance and multiculturalism, which constitute the moral ground and inspiration for our worldwide struggle against racism, racial discrimination, xenophobia and related intolerance, inhuman tragedies which have affected people throughout the world, especially in Africa, for too long; (Adopted by 2nd PrepCom)
4. We further affirm that all peoples and individuals constitute a single human family, one rich in diversity. They have contributed to the progress of civilizations and cultures that form the common heritage of humanity. Preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies; (Adopted by WG on 30/7)
5. Religion, spirituality and belief play a central role in the lives of millions of women and men, in the way they live and in the way they treat other persons. Religion, spirituality and belief may and can contribute to the promotion of the inherent dignity and worth of the human person and to the eradication of racism, racial discrimination, xenophobia and related intolerance; (Adopted by WG on 6/8)

**Merger of paragraphs 7, 8 and 9** We note that the process of globalization constitutes a powerful and dynamic force which should be harnessed/utilized for the benefit, development and prosperity of all countries, without exclusion. We recognize that developing countries face special difficulties in responding to this central challenge.

While globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We thus express our determination to prevent and mitigate the negative effects of globalization. These effects could aggravate, inter alia, poverty, underdevelopment, marginalization, social exclusion, cultural homogenization and economic disparities which may occur along racial lines, within and between States, impacting adversely **[especially on those [people] who continue to endure the legacy of slavery and colonialism]**. We further express our determination to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, which can contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance. Only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable; (Adopted by WG on 1/8)

10. We recognize that migration has increased as a result of globalization, in particular from the South to the North, and stress that policies towards migration should not be based on racism, racial discrimination, xenophobia and related intolerance; (Adopted by WG on 6/8)

#### **SOURCES, CAUSES, FORMS AND CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

**Merger of paragraphs 19-20** We emphasize that poverty, underdevelopment, marginalization, social exclusion and economic disparities [between and within nations, which in many countries owe their existence in part to colonial exploitation,] are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty; (Adopted by WG on 1/8)

21. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance [, including historical factors, such as the slave trade, other forms of servitude and colonialism,] which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa, and resolve to free every man, woman and child from the abject and dehumanizing conditions of extreme poverty to

which more than a billion of them are currently subjected, to make the right to development a reality for everyone, and to free the entire human race from want; (Adopted by WG on 1/8)

22. We recognize that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and very often one of its consequences, and recall that non-discrimination is a fundamental principle of International Humanitarian Law. We underscore the need for all parties to armed conflicts to abide scrupulously by this principle and for States and the international community to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination; (Adopted by WG on 1/8)

23. We express our deep concern that socio-economic development is being hampered by widespread internal conflicts which are due, among other causes, to gross violations of human rights, including those arising from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic, inclusive and participatory governance; (Adopted by WG on 2/8)

24. We express our concern that in some States political and legal structures or institutions, some of which were inherited and persist today, do not correspond to the multi-ethnic, pluri-cultural and pluri-lingual characteristics of the population and, in many cases, constitute [the paramount] factor of discrimination in the exclusion of [indigenous peoples]; [\* note paragraph 43?] (Adopted by WG on 1/8)

26. We affirm the need to put an end to impunity for violations of the human rights and fundamental freedoms of individuals and groups who are victimized by racism, racial discrimination, xenophobia and related intolerance; (Adopted by WG on 2/8)

31. We strongly condemn the fact that slavery and slavery-like practices still exist today in parts of the world and urge States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights; (Adopted by WG on 2/8)

#### **VICTIMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

39. We recognize that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and of the denial by history of many of their rights, and assert that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind. Recognition should therefore be given to their rights to culture and their own identity; to participate freely and on equal conditions in political, social, economic and

cultural life; to development in the context of their own aspirations and customs; to keep, maintain and foster their own forms of organization, their mode of life, culture, traditions and religious expressions; to maintain and use their own languages; to the protection of their traditional knowledge and their cultural and artistic heritage; to the use, enjoyment and conservation of the natural renewable resources of their habitat and to active participation in the design, implementation and development of educational systems and programmes, including those of a specific and characteristic nature; and, where applicable, to their ancestrally inhabited land; (Adopted by WG on 3/8)

41. We recognize that in many parts of the world, Africans and people of African descent face barriers as a result of social biases and discrimination prevailing in public and private institutions and express our commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Africans and people of African descent; (Adopted by WG on 7/8)

41**bis.** (former 66) We recognize that in many parts of the world, Asians and people of Asian descent face barriers as a result of social biases and discrimination prevailing in public and private institutions and express our commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Asians and people of Asian descent; (Adopted by WG on 7/8)

43. We recognize the value and diversity of the cultures and the heritage of [indigenous peoples],<sup>1</sup> whose singular contribution to the development and cultural pluralism of society and full participation in all aspects of society, in particular on issues that are of concern to them, are fundamental for political and social stability, and for the development of the States in which they live; (Adopted by WG on 3/8)

44. We reiterate our conviction that the full realization by [indigenous peoples] of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance. We firmly reiterate our determination to promote their full and equal enjoyment of civil, political, economic, social and cultural rights, as well as the benefits of sustainable development, while fully respecting their distinctive characteristics and their own initiatives; (Adopted by WG on 3/8)

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<sup>1</sup> The use of the term “peoples” in this document shall not be construed as having any implications as regards the rights that may attach to the term under international law.

**46 bis proposal by Canada** We welcome the decision to create the Permanent Forum on Indigenous Issues within the United Nations system, giving concrete expression to major objectives of the International Decade of the World's Indigenous People and the Vienna Programme of Action; (Adopted by WG on 3/8)

47. We welcome the appointment by the United Nations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and express our commitment to cooperate with the Special Rapporteur; (Adopted by WG on 3/8)

48. We recognize the positive economic, social and cultural contributions made by migrants to both countries of origin and destination; (Adopted by WG on 3/8)

50. We note with concern and strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and reaffirm the responsibility of States to protect the human rights of migrants under their jurisdiction and the responsibility of Governments to safeguard and protect migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and stress the need for their fair, just and equitable treatment in the society and in the workplace; (Adopted by WG on 6/8)

51. We highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants. We underline that family reunification has a positive effect on integration and emphasize the need for States to facilitate family reunion; (Adopted by WG on 6/8)

52. We are mindful of the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their departure from their countries of origin and to the difficulties they encounter because of differences in language, customs and culture, as well as economic and social difficulties and obstacles to the return of migrants who are undocumented or in an irregular situation; (Adopted by WG on 6/8)

67. We recognize with deep concern the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers, and recognize the need to develop effective policies and implementation mechanisms for the achievement of their full equality; (Adopted by WG on 6/8)

**Merged paragraphs 68-69.** We are convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, which can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights. We recognize the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination; (Adopted by WG on 6/8)

**MEASURES OF PREVENTION, EDUCATION AND PROTECTION AIMED  
AT THE ERADICATION OF RACISM, RACIAL DISCRIMINATION,  
XENOPHOBIA AND RELATED INTOLERANCE AT THE NATIONAL,  
REGIONAL AND INTERNATIONAL LEVELS**

80. (first part) We affirm that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world; (Adopted by WG of 3rd PrepCom)

82. We firmly believe that education, development and the faithful implementation of our international human rights norms and obligations, including enactment of laws and political, social and economic policies, are crucial to combat racism, racial discrimination, xenophobia and related intolerance; (Adopted by WG of 3rd PrepCom)

87. All human beings are born free, equal in dignity and rights, and have the potential to contribute constructively to the development and well-being of their societies. Any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected along with theories which attempt to determine the existence of separate human races; (Adopted by WG of 3rd PrepCom)

94. We recognize that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance. In this regard we draw attention to the power of advertising; (Adopted by WG of 3rd PrepCom)

95. We note with regret that certain media, by promoting false images and stereotypes of vulnerable groups and individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and [may] have encouraged violence by racist individuals and groups; (Adopted by WG of 3rd PrepCom, except bracketed part)

100. We reaffirm that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties, or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices; such acts [must/should be publicly condemned and eradicated]; (Adopted by WG of 3rd PrepCom, except bracketed part)

102. We recognize that quality education, elimination of illiteracy and access to free primary education for all can contribute to more inclusive societies, equity, stable and harmonious relations and friendship among nations, peoples, groups and individuals, and a culture of peace, fostering mutual understanding, solidarity, social justice and respect for all human rights for all; (Adopted by WG of 3rd PrepCom)

104. We underline the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance and the essential/crucial role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially amongst children and young people, in the prevention and eradication of all forms of intolerance and discrimination; (Adopted by WG of 3rd PrepCom)

**PROVISION OF EFFECTIVE REMEDIES, RECOURSE, REDRESS,  
[COMPENSATORY] AND OTHER MEASURES AT THE NATIONAL,  
REGIONAL AND INTERNATIONAL LEVELS**

111. We also strongly reaffirm that as a pressing requirement of justice victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation, socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, effective and appropriate protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination as enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination; (Adopted by WG of 3rd PrepCom)

**STRATEGIES TO ACHIEVE FULL AND EFFECTIVE EQUALITY,  
INCLUDING INTERNATIONAL COOPERATION AND  
ENHANCEMENT OF THE UNITED NATIONS AND OTHER  
INTERNATIONAL MECHANISMS IN COMBATING RACISM,  
RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED  
INTOLERANCE**

119. We recall the importance of enhancing international cooperation to promote (a) the fight against racism, racial discrimination, xenophobia and related intolerance; [(b) the effective implementation of international treaties and instruments that forbid these practices]; (c) the goals of the Charter of the United Nations in this regard; (d) the achievement of the goals established by the conferences convened by the United Nations in the 1990s in Rio de Janeiro, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome, making sure that such goals will encompass with equity all the victims of racism, racial discrimination, xenophobia and related intolerance; (Adopted by WG of 3rd PrepCom, except bracketed part)

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## **ANNEX V TO THE DRAFT REPORT**

### **PROGRAMME OF ACTION**

#### **I. SOURCES, CAUSES, FORMS AND CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

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

1. Urges States in their national efforts, and in cooperation with other States, regional and international organizations and financial institutions, to promote the use of public and private investment in consultation with the affected communities in order to eradicate poverty, particularly in those areas in which [list or generic description to replace: peoples and communities who are victims of racism, racial discrimination and exclusion/indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities] predominantly live; (ADOPTED at 2nd PrepCom)

#### **II. VICTIMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

##### **Victims: General**

9. Urges States to work nationally and in cooperation with other States and relevant regional and international organizations and programmes to strengthen national mechanisms to promote and protect the human rights of [persons affected by, vulnerable to, or] victims of racism, racial discrimination, xenophobia and related intolerance who are infected, or presumably infected, with pandemic diseases such as HIV/AIDS and to take concrete measures, including preventive action, appropriate access to medication and treatment, programmes of education, training and mass media dissemination to eliminate violence, stigmatization, discrimination, unemployment and other negative consequences arising from these pandemics; (ADOPTED at 2nd PrepCom)

##### **Africans and people of African descent**

10. Urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture; (ADOPTED at 2nd PrepCom)

13. Requests the Commission on Human Rights to consider the establishment of a working group or other mechanism in the United Nations to study the problems of racial discrimination faced by people of African descent in the African Diaspora, and make proposals for the elimination of racial discrimination against people of African descent; (ADOPTED at 2nd PrepCom)

15. Requests States to increase public actions and policies in favour of women and young males of African descent, given that racism affects them more deeply, placing them in a more marginalized and disadvantaged situation; (ADOPTED by WG on 30/7)

16. Urges States to ensure access to education and promote access to new technologies that would offer Africans and people of African descent, in particular women and children, adequate resources for education and technological development and long-distance learning in local communities, and further urges States to promote the full and accurate inclusion of the history and contribution of Africans and people of African descent in the education curriculum; (ADOPTED by WG on 30/7)

17. Encourages States to identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector, including the public service, and in particular the administration of justice, and to take appropriate measures to remove the obstacles identified and also to encourage the private sector to promote equal access to, and the equitable presence of, people of African descent at all levels within their organizations; (ADOPTED by WG on 2/8)

19. Urges States, in accordance with international human rights standards and their respective domestic legal framework, to resolve problems of ownership of ancestral lands inhabited for generations by people of African descent, and to promote the productive utilization of land and the comprehensive development of these communities, respecting their culture and their specific forms of decision-making process; (ADOPTED by WG on 31/7)

### **Indigenous peoples**

20. Urges States:

(a) To recognize officially the identity and rights of [indigenous peoples]\* [within the framework of the sovereignty and territorial integrity of States;] (ONGOING WG 7/8)

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\* To be further clarified after consultations by the Working Group.

(b) To adopt or continue to apply, in concert with them, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment by [indigenous peoples] of their rights, as well as to guarantee them the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular in matters affecting or concerning their interests; (ADOPTED by WG on 7/8)

(c) To promote better knowledge of and respect for indigenous cultures and heritage; and welcomes measures already taken by States in these respects; (ADOPTED by WG on 7/8)

21. Urges States to work with indigenous peoples to stimulate and increase their access to economic activities and their level of employment, where appropriate, through the establishment, acquisition or expansion by indigenous peoples of enterprises, and implementation of measures such as training, provision of technical assistance and credit facilities; (ADOPTED by WG on 7/8)

22. Urges States to work with indigenous peoples so as to establish and implement programmes that provide access to training and services that could benefit the development of their communities; (ADOPTED by WG on 7/8)

23. Requests States to adopt public policies and give impetus to programmes on behalf of and in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in education, physical and mental health, and economic life, and in the matter of violence against women, including domestic violence; and to eliminating the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination; (ADOPTED by WG on 7/8)

25. Recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their Constitutions, laws, legal systems and policies to identify and eradicate racism, racial discrimination, xenophobia and related intolerance towards indigenous peoples and individuals whether implicit, explicit or inherent; (ADOPTED by WG on 7/8)

28. Calls upon concerned States to honour and respect their treaties and agreements with indigenous peoples and to accord them due recognition and observance; (ADOPTED by WG on 7/8)

29. Calls upon States to give full and appropriate consideration to the recommendations produced by indigenous peoples in their own forums on the World Conference; (ADOPTED by WG on 7/8)

### **Migrants**

30. Requests all States to combat manifestations of a generalized rejection of migrants and actively to discourage all racist demonstrations and acts that generate xenophobic behaviour and negative sentiments towards, or rejection of, migrants; (ADOPTED by WG on 31/7)

31. Invites international and national non-governmental organizations to include monitoring and protection of the human rights of migrants within their programmes and activities and to sensitize Governments and increase public awareness in all States about the need to prevent racist acts and manifestations of discrimination, xenophobia and related intolerance against migrants; (ADOPTED by WG on 31/7)

32. Requests States to promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments, regardless of immigration status; (ADOPTED by WG on 31/7)

33. Encourages States to promote education on the human rights of migrants and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly in an irregular situation; (ADOPTED by WG on 31/7)

36. Urges States to take concrete measures to avoid racially discriminatory and xenophobic practices against migrants documented or in a regular situation with respect to vocational training, the type of posts that migrants may occupy, the type of contracts accorded to them, the right to seek employment in any part of the country, regulations governing working conditions, trade union activity and ensure access to judicial and administrative tribunals to air grievances concerning discrimination; (ONGOING WG 31/7)

37. Urges States:

(a) To develop and implement policies and action plans, and to reinforce and implement preventive measures, to foster greater harmony and tolerance between migrants and host societies with the aim of eliminating manifestations of racism, racial discrimination,

xenophobia and related intolerance, including acts of violence, perpetrated in many societies by individuals or groups and directed towards [migrant workers and their families]; (ADOPTED by WG on 31/7)

(b) To review and revise, where necessary, their immigration laws, policies and practices so as to be free of racial discrimination and compatible with their obligations under international human rights instruments; (ADOPTED by WG on 31/7)

(c) To implement specific measures involving the host community and migrants to encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life; (ADOPTED by WG on 31/7)

(d) To ensure that migrants, regardless of their immigration status, detained by public authorities, are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation; (ADOPTED by WG on 3/8)

(e) To ensure that police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards, through, *inter alia*, specialized training courses for administrators, police officers, immigration officials and other interested groups; (ADOPTED by WG on 1/8)

(f) To consider the question of, with a view to promoting, the recognition of the educational, professional and technical credentials of migrants, with a view to maximizing their contribution in their new States of residence; (ADOPTED by WG on 1/8)

(g) To consider adopting and implementing immigration policies and programmes that would enable immigrants, in particular women and children who are victims of spousal or domestic violence, to free themselves from abusive relationships; (ADOPTED by WG on 1/8)

38. Urges States, in view of the increased proportion of women who are migrants, to give special focus to gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; to undertake detailed research, not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and destination/host countries, and to include the findings in reports to treaty bodies; (ADOPTED by WG on 1/8)

## **Refugees**

39. Urges States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden sharing and international cooperation to share responsibilities; (ADOPTED by WG on 1/8)

41. Urges States to take effective steps to protect refugee and internally displaced women and girls from violence and to investigate any such violations and to bring those responsible to justice, in collaboration, where appropriate, with the relevant competent organizations; (ADOPTED by WG on 1/8)

## **Other victims**

44. Urges States to take all possible measures to ensure that all persons, without any discrimination, are registered and have access to the necessary documentation reflecting their legal identity to enable them to benefit from available legal procedures, remedies and development opportunities, as well as to reduce the incidence of trafficking; (ADOPTED by WG on 2/8)

New 45. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States shall ensure that all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress; (ADOPTED by WG on 2/8)

47. Calls upon States to ensure that Roma/Gypsy/Sinti/Traveller children and youth, especially girls, are given equal access to education and that education curricula at all levels, including complementary programmes on intercultural education, which might, inter alia, include opportunities to learn the official languages in the pre-school period, recruit Roma teachers and classroom assistants and learn their mother tongue, are sensitive and responsive to their needs; (ADOPTED by WG on 3/8)

The following paragraph replaces paragraphs 48 and 49:

Encourages States to adopt appropriate and concrete policies and measures and to develop implementation mechanisms, where these do not already exist, and exchange experiences, in cooperation with representatives of the Roma/Gypsies/Sinti/Travellers in order to eradicate discrimination against them, so as to enable them to achieve equality and so as to ensure their full enjoyment of all human rights, as recommended in the case of the Roma by the Committee on the Elimination of Racial Discrimination in its General Recommendation XXVII, so that their needs are met; (ADOPTED by WG on 3/8)

50. Recommends that the intergovernmental organizations address, in their projects of cooperation with and assistance to various States, as appropriate, the situation of the Roma/Gypsies/Sinti/Travellers and promote their economic, social and cultural advancement; (ADOPTED by WG on 3/8)

51. Calls upon States and encourages non-governmental organizations to raise awareness about racism, racial discrimination, xenophobia and related intolerance experienced by the Roma/Gypsies/Sinti/Travellers, and to promote knowledge and respect for their culture and history; (ADOPTED by WG on 3/8)

52. Encourages the media to promote equal access to and participation by the Roma/Gypsies/Sinti/Travellers in the media, as well as to protect them from racist, stereotypical and discriminatory media reporting, and calls upon States to facilitate the media's efforts in this regard; (ADOPTED by WG on 3/8)

53. Urges States to ensure that persons belonging to [racial] national or ethnic, religious and linguistic minorities can exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, and also urges States and the international community to promote and protect the rights of such persons [within the framework of the purposes and principles of the Charter of the United Nations];/ [Persons belonging to such minorities shall exercise their rights within the framework of the principles of the United Nations, including sovereign equality, territorial integrity and political independence of States in which they live;] (ADOPTED by WG on 3/8)

54. States should guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities to enjoy, individually or in community with other members of their group, their own culture, to profess and practise their own religion, to use their own language, in private and in public, freely and without interference, and to participate effectively

in the cultural, social, economic and political life of the country in which they live, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to; (ADOPTED by WG on 3/8)

57. Urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on [generic description] indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities; (ADOPTED at 2nd PrepCom)

59. Urges States to involve women, especially women victims of racism, racial discrimination, xenophobia and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race/gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation; (ADOPTED at 2nd PrepCom)

61. Recognizes that poverty shapes economic and social status and establishes obstacles to the effective political participation of women and men in different ways and to different extents, and urges States to undertake gender analyses of all economic and social policies and programmes, especially poverty eradication measures, including those designed and implemented to benefit individuals or groups [who are, or may be, victims of/subject to] racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 6/8)

62. Urges States and encourages all sectors of society to empower women and girls [who are or may be subject to/victims of] racism, racial discrimination, xenophobia and related intolerance, so that they can fully exercise their rights in all spheres of public and private life, and to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives; (ADOPTED by WG on 6/8)

65. Requests States, in collaboration where necessary with international organizations, having the best interests of the child as a primary consideration, to provide protection against racism, racial discrimination, xenophobia and related intolerance against

children, especially those in circumstances of particular vulnerability, and to pay special attention to the situation of such children when designing relevant policies, strategies and programmes; (ADOPTED by WG on 2/8)

67. Urges States, non-governmental organizations and the private sector to consider persons with physical and mental disabilities as one of the vulnerable groups of the population and victims of discrimination at the systematic, cultural and individual levels, even more so when they come from disadvantaged groups; also urges States to legislate specific measures to ensure that such persons have access to regular services such as health services, adapted housing, public accommodation, transportation, communication, recreation, voting and equal opportunity with regard to equal employment, education and other basic public services; further urges States to take steps in order to redress their economic situation, the consequences of discriminatory attitudes in job integration, and to consider the adoption of clear, strong, consistent and enforceable standards addressing discrimination against them; (ADOPTED by WG on 3/8)<sup>2</sup>

### **III. MEASURES OF PREVENTION, EDUCATION AND PROTECTION AIMED AT THE ERADICATION OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS**

68. Urges States, both at the national and international levels, to adopt and implement effective measures and policies, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, which encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance, and to recognize, respect and maximize the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities and nations, in particular through public information and education programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes where the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society; (ADOPTED by WG on 6/8)

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<sup>2</sup> To be re-examined after consultations on listing are concluded.

69. Urges States to adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the needs and experiences of [individuals and groups affected by or vulnerable to/victims of] racism, racial discrimination, xenophobia and related intolerance, and also urges States to expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes; (ADOPTED by WG on 6/8)

70. Urges States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid the marginalization and exclusion of, and discrimination against, specific sectors of society; (ADOPTED by WG on 6/8)

72. Urges States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls, and to increase cooperation, policy responses, effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls; (ADOPTED by WG on 6/8)

#### **A. At the national level**

##### **1. Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance**

73. Urges States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia, [anti-Semitism, Islamophobia] and related intolerance, including their gender-based manifestations; (ADOPTED by WG on 7/8)

75. Recognizes that the success of this Programme of Action will require political will and adequate funding at the national, regional and international levels, and international cooperation, [including, in some circumstances, new and additional resources,] [particularly for developing countries;] [and urges that the follow-up mechanism for the World Conference monitor those elements;] (ADOPTED by WG on 7/8 (to be moved to end of Programme of Action))

78. Urges States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are [vulnerable to or

victims of] racism, racial discrimination, xenophobia and related intolerance; special attention should be given to protecting people engaged in domestic work and trafficked persons, [including victims of prostitution,] from discrimination and violence, as well as combating prejudice against them; (ADOPTED by WG on 7/8)

83. Urges States to take all necessary constitutional, legislative and administrative measures to foster equality among individuals and groups who are affected by, vulnerable to, or victims of racism, racial discrimination, xenophobia and related intolerance, and to review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to such forms of discrimination; (ADOPTED at 2nd PrepCom)

**Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination**

91. Urges States that have not yet done so to consider ratifying or acceding to the international human rights instruments which combat racism, racial discrimination, xenophobia and related intolerance, and in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to its universal ratification by the year 2005, and to consider making the declaration envisaged under article 14, to comply with their reporting obligations, and to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination; also urges States to withdraw reservations contrary to the object and purpose of the International Convention on the Elimination of All Forms of Racial Discrimination and to consider withdrawing other reservations; (ADOPTED by WG on 8/8)

92. Urges States to give due consideration to the observations and recommendations of the Committee on the Elimination of Racial Discrimination; to that effect, States should consider setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on these observations and recommendations; (ADOPTED by WG on 8/8)

94. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide, 1948;
- (b) ILO Migration for Employment Convention (Revised), 1949 (No. 97);
- (c) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949;

- (d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol;
  - (e) ILO Discrimination Convention, (Employment and Occupation) 1958 (No. 111);
  - (f) Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization;
  - (g) Convention on the Elimination of All Forms of Discrimination against Women 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999;
  - (h) Convention on the Rights of the Child 1989, and its two Optional Protocols of 2000, and ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);
  - (i) ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
  - (j) ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Convention on Biological Diversity, 1992;
  - (k) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990;
  - (l) Rome Statute of the International Criminal Court, 1998;
  - (m) United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, 2000;
- It further urges States Parties to these instruments to fully implement them. (ADOPTED by WG on 8/8)

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