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Agenda item 5 (a)

**PREVENTION OF DISCRIMINATION:
RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA**

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Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet,
Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park,
Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi,
Mr. Yimer and Ms. Zerrougui: draft resolution**

**2001/... World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance**

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind the principles, standards and norms embodied in international instruments relating to the promotion and protection of human rights, including in particular the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as relevant conventions and declarations of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization,

Reaffirming the objectives set forth in the Charter of the United Nations on achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination or distinction as to race, colour, sex, social class, descent, national or ethnic origin, language or religion,

Reaffirming also its conviction that racism, racial discrimination, xenophobia and related intolerance fundamentally undermine the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights and the firm determination and commitment of the United Nations to eradicate, totally and unconditionally, racial discrimination in all its forms,

Bearing in mind the broad definition of racial discrimination provided in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting that in its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the General Assembly set as one of the main objectives of the Conference the review of the political, historical, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance,

Concerned at the phenomenon of globalization, accompanied by a concentration of wealth, on the one hand, and marginalization and exclusion, on the other, and its effects on the right to development and on living standards, as well as on the increase in the phenomena of racism, racial discrimination, xenophobia and related intolerance,

Sharing the grave concern of the Commission on Human Rights, expressed in resolution 2001/5 of 18 April 2001, that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and racist acts of violence are on the increase,

Aware that the World Conference should carefully consider the relationship between discrimination based on race and discrimination based, *inter alia*, on gender and religion, as well as economic marginalization and social exclusion,

Concerned at the increase in contemporary forms of slavery,

Noting that the preparatory process for the World Conference included the second session of the Preparatory Committee, held from 21 May to 1 June 2001, and the third session, which met from 30 July to 10 August 2001,

Noting also its resolution 2001/1 of 6 August 2001, in which the Sub-Commission emphasizes the historic responsibility for slavery and colonialism and requests all countries concerned to take initiatives, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

Encouraging all measures necessary, including facilitation of speedy accreditation, for the effective participation of non-governmental organizations from all parts of the world and diverse and representative sections of civil society, as accepted by the Preparatory Committee for the World Conference,

Noting that in resolution 1998/26 of 17 April 1998 the Commission on Human Rights invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission and, through the Commission, to the Preparatory Committee,

Welcoming the work of its members thus far in preparation for the World Conference, including:

(a) The working paper on the concept and practice of affirmative action (E/CN.4/Sub.2/1998/5) submitted by Mr. Marc Bossuyt and his preliminary (E/CN.4/Sub.2/2000/11 and Corr.1) and progress (E/CN.4/Sub.2/2001/15) reports on the same topic;

(b) The working paper and preliminary report on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1 and E/CN.4/Sub.2/2001/20 and Add.1);

(c) The working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia submitted by Mr. J. Oloka-Onyango (E/CN.4/Sub.2/1999/8);

(d) The preliminary report on the subject of globalization and its impact on the full enjoyment of human rights submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama (E/CN.4/Sub.2/2000/13);

(e) The working papers on proposals, and further proposals, for the work of the World Conference submitted by Mr. Paulo Sérgio Pinheiro (A/CONF.189/PC.1/13/Add.1 and A/CONF.189/PC.2/19/Add.1);

(f) The working paper on proposals for the work of the World Conference relating to discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes (E/CN.4/Sub.2/2001/2);

1. *Declares* that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from doctrines and practices of racial superiority or separation, whether committed against citizens or non-citizens present in the territory of a State, are among the most serious violations of human rights in the contemporary world and must be combated;

2. *Also declares* that human rights principles relating to racism and racial discrimination are at the core and foundation of all human rights, and that racism and racial discrimination must therefore be eliminated with respect to the full spectrum of human rights, be they social, cultural, economic, civil, or political;

3. *Commends* all States that have ratified or acceded to the international instruments with the objective, *inter alia*, of putting an end to racism, racial discrimination, discrimination against migrants and slavery, and invites all States that have not yet done so to ratify or accede to them as soon as possible, as well as to accept provisions for individual communications;

4. *Encourages* educational institutions, non-governmental organizations and the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

5. *Regrets* the continued lack of interest, support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade and calls upon all Governments, United Nations bodies, specialized agencies and interested non-governmental organizations to contribute fully to the implementation of the Programme of Action;

6. *Welcomes* the recommendations of the regional preparatory conferences for the World Conference held in the Islamic Republic of Iran for Asia, Senegal for Africa, France for the Council of Europe and Chile for Latin America and the Caribbean;

7. *Expresses its gratitude* to the Government of South Africa for hosting the World Conference, to be held from 31 August to 7 September 2001;

8. *Recommends* that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants play an integral role in all processes regarding the World Conference;

9. *Expresses its gratitude* to Mr. Paulo Sérgio Pinheiro for his participation in the Preparatory Committee as the representative of the Sub-Commission;

10. *Expresses its conviction* that the draft declaration and programme of action to be adopted by the World Conference, will focus on action-oriented and practical steps to eradicate racism, including measures of prevention, education and protection, and the provision of effective remedies;

11. *Encourages* the active and effective participation in the World Conference of all organs of society from all parts of the world and non-governmental organizations representing victims of racism, racial discrimination, xenophobia and related intolerance, including those representing indigenous peoples;

12. *Suggests* that the World Conference focus, *inter alia*, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on, *inter alia*, race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as:

(a) The link between contemporary forms of slavery and racial and other discrimination based on descent;

(b) The impact of massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest;

(c) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in all continents, including Europe;

(d) The impact of globalization on the question of racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(e) The need to implement effectively activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance in development programmes and for donors to provide additional resources for these activities;

(f) The treatment of indigenous peoples, minorities, migrants, victims of trafficking, refugees, asylum-seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(g) The reasons for the non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(h) The prevention of racial discrimination, including early warning and urgent procedures and sanctions, as well as the accountability of non-State actors;

(i) Recognition, remedies, redress mechanisms and reparations for racial discrimination for victims and descendants of victims of racism, including for example affirmative action and compensation, accurate textbooks on historical events, memorials and truth commissions, as well as independent mechanisms for monitoring the effectiveness of remedies and redress mechanisms;

(j) International mechanisms for the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination at the international, national and local levels, and their progressive development;

(k) International mechanisms for the protection of the rights of persons belonging to minorities and ensuring peaceful group accommodation based on human rights;

(l) Improved mechanisms for the implementation of international conventions against contemporary forms of slavery;

(m) The incompatibility between freedom of speech and campaigns promoting hate, intolerance and violence on the basis of racism, racial discrimination and xenophobia, particularly in the digital age;

(n) The implications of multiple identities (race, colour, descent, minority status, national or ethnic origin and gender);

(o) The need to take necessary constitutional, legislative and administrative measures, including forms of affirmative action, to prohibit and redress all forms of discrimination;

(p) The need for States and human rights mechanisms to recognize any discriminatory element in situations involving other alleged violations of human rights;

(q) Policies to be implemented to eradicate the discrimination endured by indigenous peoples;

(r) Encouraging States to ratify without reservations the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and also encouraging States parties to withdraw reservations under these treaties;

(s) Also encouraging States to declare that they recognize, in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction;

(t) Racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems;

13. *Recommends* that the World Conference define a global and system-wide strategy to combat racism and racial discrimination which could lead to concrete results for the populations affected, and that it adopt effective follow-up procedures and mechanisms;

14. *Decides* to discuss the follow-up to the World Conference at its next session.
