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COMMISSION ON HUMAN RIGHTS  
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Agenda item 6

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA  
AND ALL FORMS OF DISCRIMINATION**

**Brazil, Barbados\*, Cuba, Dominican Republic\*, Ecuador, Haiti\*, Indonesia,  
Iran (Islamic Republic of), Nigeria (on behalf of States members of the  
African Group), Uruguay, Venezuela: draft resolution**

**2002/... Racism, racial discrimination, xenophobia and related intolerance**

*The Commission on Human Rights,*

*Recalling* its resolution 2001/5 of 18 April 2001,

*Welcoming* the Durban Declaration and Programme of Action adopted by the  
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance  
on 8 September 2001 in Durban, South Africa,

*Stressing* that the Durban Declaration and Programme of Action provide a solid basis for  
combating the contemporary manifestations of racism, racial discrimination, xenophobia and  
related intolerance,

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

*Stressing* the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

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

*Deeply concerned* that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow 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 increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

*Reaffirming* general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

*Reaffirming also* 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,

*Underlining* the importance of urgently eliminating continued and violent trends of racism, racial discrimination, xenophobia and related intolerance 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, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

*Emphasizing* that adequate resources at the national, regional and international levels are necessary for the effective implementation of the Durban Declaration and Programme of Action,

*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,

*Emphasizing* that poverty, underdevelopment, marginalization, social exclusion and economic disparities 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,

*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,

*Noting with grave concern* that despite the efforts of the international community, the principal objectives of the three Decades for Action to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

## **I. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

1. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

2. *Invites* States to give widespread publicity to the Durban Declaration and Programme of Action;

3. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the Conference and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow up the Durban Declaration and Programme of Action;

4. *Emphasizes* that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity;

5. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the Conference and to reflect progress in this regard in their reports;

6. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the Durban Declaration and Programme of Action, in the discharge of their respective mandates;

7. *Decides* to establish an intergovernmental working group, with the following mandate:

(a) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action;

(b) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

8. *Decides* to establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission on Human Rights, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(a) To study the problems of racial discrimination faced by people of African descent living in the Diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(b) To propose measures to ensure full and effective access to the justice system by people of African descent,

(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

- (i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;
- (ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
- (iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

9. *Requests* the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

10. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group of Experts on People of African Descent by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

11. *Emphasizes* the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(a) To receive reports from States, non-governmental organizations, and all relevant institutions within the United Nations system on the implementation of and follow-up to the

Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries,

(b) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(c) To make recommendations to the Secretary-General, the Office of the High Commissioner for Human Rights and the Commission on Human Rights on ways and means of mobilizing the resources necessary for anti-racism activities,

(d) To assist the Intergovernmental Working Group in its preparation of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(e) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission on Human Rights and the Office of the High Commissioner for Human Rights in the comprehensive implementation of the Durban Declaration and Programme of Action;

12. *Decides* to keep the mandate of the independent eminent experts under constant review;

13. *Welcomes* the efforts of the High Commissioner for Human Rights undertaken within framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including highlighting the plight of victims and initiating consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination, as well as the establishment in her Office of the Anti-Discrimination Unit;

14. *Recognizes* that the success of the Durban Programme of Action requires political will on the part of all countries, adequate funding at the national, regional and international levels and international cooperation;

15. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

16. *Decides* to establish a voluntary fund to provide additional resources for:

(a) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(b) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group on People of African Descent;

(c) The activities of the Committee on the Elimination of Racial Discrimination;

(d) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(e) The anti-racial discrimination activities of the Anti-Discrimination Unit.

17. *Requests* the High Commissioner for Human Rights to appoint goodwill ambassadors from all regions of the world with a view to mobilizing additional resources for the Voluntary Fund and raising awareness about the scourge of racism, as well as the need for effective implementation of the Durban Declaration and Programme of Action;

## **II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES**

18. *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 of Action for the Third 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, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

19. *Requests* the High Commissioner for Human Rights to submit an analytical report to the Commission at its next session on the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003;

20. *Decides*, in this context, to review the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003 and to transmit recommendations to the General Assembly at its fifty-eighth session;

21. *Recommends* that the General Assembly request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources from the regular budget to finance the activities of the Programme;

22. *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;

### **III. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

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

24. *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;

25. *Welcomes* the general recommendation adopted by the Committee on the Elimination on Racial Discrimination on 18 March 2002 emphasizing the importance of follow up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the functioning of the Committee;

26. *Urges* States that have not yet done so to accede to or ratify the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to universal ratification by the year 2005;

27. *Urges* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

28. *Urges* States parties to withdraw all reservations to the Convention, particularly those contrary to the object and purpose of the Convention;



29. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

**IV. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS**

30. *Welcomes with satisfaction* the report of the Special Rapporteur (E/CN.4/2002/24 and Add.1) and expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

31. *Reiterates* its call to all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur;

32. *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;

33. *Also 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;

34. *Commends* those States that have invited and received the Special Rapporteur so far, and urges all States to issue a standing invitation to the Special Rapporteur;

35. *Urges* Governments to implement the recommendations contained in the reports of the Special Rapporteur;

36. *Requests* the Special Rapporteur to include in his report to the Commission at its fifty-ninth session, under the same agenda item, information on measures to implement those recommendations, in particular those contained in documents E/CN.4/2002/24 and Add.1, and to undertake follow-up visits if necessary;

37. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Decides* to renew the mandate of the Special Rapporteur for three years to allow him to continue with his mandate and to reappoint Mr. Maurice Glèlè-Ahanhanzo as Special Rapporteur, in order to take advantage of his expertise;

#### V. GENERAL

39. *Reaffirms* that 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;

40. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

41. *Expresses its profound concern* at and its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

42. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

43. *Also 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 manifestations;

44. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin and urges all States to rescind or refrain from all forms of racial profiling;

45. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism and xenophobia and calls upon those that have not yet done so to consider including in their legislation racist and xenophobic motivation as an aggravating factor for the purposes of sentencing;

46. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

47. *Decides* to include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

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