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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS  
OF DISCRIMINATION: COMPREHENSIVE IMPLEMENTATION OF  
AND FOLLOW-UP TO THE DURBAN DECLARATION AND  
PROGRAMME OF ACTION**

**Report of the Intergovernmental Working Group on the effective  
implementation of the Durban Declaration and Programme of Action  
on its second session\***

**Chairperson-Rapporteur: Mr. Juan Martabit (Chile)**

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\* This document is submitted late so as to include the most up-to-date information possible.

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## **Introduction**

1. The present report is submitted to the Commission on behalf of the Chairperson-Rapporteur. While the summary of the proceedings contained in chapters II to IV is the sole responsibility of the Chairperson-Rapporteur, the recommendations included in chapter VI were adopted by consensus by the Working Group.

### **I. ORGANIZATION OF THE SESSION**

2. In resolution 2003/30, the Commission on Human Rights decided - as endorsed by the Economic and Social Council in its decision 2003/246 - that the Intergovernmental Working Group, established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action (DPOA), should convene its future sessions for an initial period of three years. The Working Group was requested to convene its second session of 10 working days and to focus on areas decided upon in its recommendations, namely, poverty, education and complementary standards, and to report on progress in this regard to the sixtieth session of the Commission.

3. Accordingly, the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action held its second session in Geneva from 26 January to 6 February 2004. In total, it held 17 meetings.

#### **A. Opening of the session**

4. The session was opened by the Acting United Nations High Commissioner for Human Rights, Mr. Bertrand Ramcharan.

#### **B. Attendance**

5. The session was attended by representatives of States Members of the United Nations, non-member States, specialized agencies, treaty bodies, special procedures of the Commission on Human Rights, intergovernmental organizations and non-governmental organizations. For the list of attendance, see annex II of the present report.

6. A number of experts were invited to attend the Working Group as panellists. Panels of experts were organized on the topics of education, poverty and complementary standards. On the topic of education, the following experts took part in the Working Group: Mgr. Michael Kpakala Francis, Archbishop of Monrovia; Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mr. Eduardo Cifuentes, Director of the Division of Human Rights and Fight against Discrimination, Mr. Paulo Fontani, Programme Specialist of the Division for the Promotion of Quality in Education (UNESCO); Mr. Vitit Muntarbhorn, member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights; Ms. Marion O'Callaghan, columnist at *Newsday*, Port of Spain; and Ms. Katarina Tomasevski, Special Rapporteur on the right to education. On the topic of poverty, the following experts participated: Mr. Alfredo Sfeir-Younis, Senior Adviser to the Managing Director's Office, World Bank; Mr. Hans Wahl, Social and Human Sciences Sector, UNESCO; Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and

related intolerance; Ms. Anne-Marie Lizin, independent expert on the question of human rights and extreme poverty; Mr. Klaus Enders, Assistant Director, International Monetary Fund's Offices in Europe; and Mr. Michael Herrmann, Policy Analysis and Research Cluster, Special Programme for Least Developed Countries, United Nations Conference on Trade and Development. On the topic of complementary standards, the following experts took part in the Working Group: Mr. Ion Diaconu, Ms. Patrizia January-Bardill and Mr. Raghavan Pillai (Committee on the Elimination of Racial Discrimination); Ms. Marilia Sardenberg (Committee on the Rights of the Child); Mr. Michael Head, Chairperson of the European Commission against Racism and Intolerance (ECRI); and Mr. Lee Swepston, Chief Equality and Employment Branch, ILO.

### **C. Election of the Chairperson-Rapporteur**

7. On 26 January 2004, the Intergovernmental Working Group elected Mr. Juan Martabit, Permanent Representative of Chile to the United Nations Office at Geneva, as Chairperson-Rapporteur, by acclamation.

### **D. Adoption of the agenda**

8. Also on 26 January 2004, the Intergovernmental Working Group adopted the provisional agenda for its second session (E/CN.4/2003/WG.21/1), prepared by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council (see annex II).

### **E. Documentation**

9. The Working Group had before it a number of pre-session documents, a complete list of which is attached (see annex III).

### **F. Organization of work**

10. On 26 January 2004, the Working Group approved its programme of work as contained in document E/CN.4/2004/WG.21/2.

## **II. GENERAL STATEMENTS**

11. Representatives of 27 States took the floor in the general debate. Delegates pointed out that the commitment to and the effective implementation of regional and international instruments to combat racism - in particular the International Convention for the Elimination of All Forms of Racial Discrimination - was necessary, but not sufficient. Delegates discussed strategies that were being implemented at the national level. In a number of countries, anti-discrimination legislation had been adopted or was being elaborated. In some cases, anti-discrimination measures concentrated on the public sphere, while in others it also included the private sector.

12. Numerous States referred to the work of national human rights institutions in monitoring the implementation of anti-discrimination legislation, investigating complaints of racial discrimination and training key professionals. In some countries, awareness-raising campaigns

were under way, aimed at sensitizing the larger public about the effects of racism and the need to eliminate prejudices against vulnerable groups, such as migrants, indigenous peoples, Roma, people of African descent and people of Arab descent. The role of the media as a powerful and influential opinion shaper was repeatedly emphasized, particularly in the context of education against racism.

13. In addition to anti-discrimination legislation and awareness-raising initiatives, affirmative action was one of the initiatives cited several times as a means to create equal opportunities for disadvantaged groups. Another tool cited was the creation of national forums in which minority and majority populations could engage in a dialogue. Other delegates saw intercultural exchanges and teaching about different cultures as a way of combating racist views, in particular among young people. One delegate mentioned that only access to quality education could break the vicious circle of racial discrimination leading to poverty, which in turn leads to more discrimination.

14. Many delegates acknowledged that the primary responsibility for combating racial discrimination lay with States, but they stressed the complementary role of the international community and non-governmental organizations (NGOs). One instance in which NGOs were actively collaborating with States was the elaboration of national action plans against racial discrimination. Codes of conduct against racism were also adopted in some countries by political parties or even by sports associations.

15. Some delegates added that national implementation of the Durban Declaration and Programme of Action should be undertaken in accordance with the Millennium Development Goals, particularly in regard to poverty, and underlined the importance of adequate financial resources.

16. One delegate referred to the need to implement paragraph 151 of the Durban Declaration and Programme of Action concerning the resumption of the peace process in the Middle East, with a view to promoting development in an environment of peace and security. The delegate also referred to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2003/23).

17. Several delegates called for a broad participation of all States in the proceedings of the Working Group. Appeals were made for the Intergovernmental Working Group to set priorities in its future recommendations, and to deliver action-oriented recommendations.

18. Cooperation between different mechanisms established at the international level to combat racial discrimination was also raised. Some delegates also indicated the importance of strengthening the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

19. Two NGOs expressed their concern over the lack of sufficiently concrete measures of redress for groups that had suffered racism as a result of the transatlantic slave trade and colonialism.

20. One of the experts on education, Mr. Vitit Muntarbhorn, emphasized the need for bottom-up approaches to national action plans against racism and practical approaches to implementation in anti-discrimination legislation. He suggested that the Intergovernmental Working Group consider case studies relating to the impact of national anti-discrimination legislation, policies and programmes.

21. The representative of UNHCR presented its vision of racism as both a root cause of conflict and displacement and an obstacle to the effective protection of refugees and asylum-seekers. On a daily basis, UNHCR attempted to combat racism as a cause of inter-ethnic friction and incomprehension. By promoting a concept of protection that was not limited to physical protection, but included respect for human dignity, UNHCR was actively engaged in combating racism in host countries confronted with large numbers of refugees and asylum-seekers. The UNHCR representative welcomed the drafting of a general recommendation by CERD on non-citizens. The representative of ILO gave an overview of the activities undertaken by ILO before, during and after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He highlighted the fourth Global Report "Time for Equality at Work", published in June 2003, and the guidelines on migrant workers adopted by the Governing Body of ILO as important steps to combat racial discrimination at the workplace.

22. The Acting Coordinator of the Anti-Discrimination Unit of the OHCHR informed the Working Group about activities undertaken by the Unit to follow up on and implement the Durban Declaration and Programme of Action. The core activity of the Unit is the servicing of the three mechanisms that were established as a follow-up to the World Conference, namely the Independent Eminent Experts, the Working Group of Experts on People of African descent and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. Participants were also reminded of the reporting requirements of the Unit to the General Assembly and to the Commission; in particular, this year, OHCHR was submitting eight reports to the Commission prepared by the Anti-Discrimination Unit. In the course of 2003, the Unit organized two regional expert seminars, in Prague and in Brussels, to exchange ideas on how to put the Durban Declaration and Programme of Action into practice. The same year, it organized two specialized seminars, one focusing on affirmative action for people of African descent from Latin America and the Caribbean, in Montevideo, and the other, organized jointly with UNESCO, aimed at developing a publication to combat racism and foster tolerance among students, in Paris. Furthermore, participants were briefed on the technical cooperation activities of the Anti-Discrimination Unit, including a small-grants scheme for human rights education projects, which is a joint endeavour with the United Nations Development Programme (UNDP) aimed principally at NGOs at the national level, and a separate small-grants programme for projects carried out by national human rights institutions against racism. He also mentioned that a database was under construction on the OHCHR web site. It would include best practices to combat racism, regional and international standards against racial discrimination, national action plans against racism, and information about technical cooperation programmes. At a future stage, national anti-discrimination legislation would also be added to the database. In conclusion, he detailed efforts to mainstream the Durban Declaration and Programme of Action with United Nations bodies, programmes and specialized agencies, as well as regional organizations, and mentioned that specific activities and meetings had taken place to this end.

### III. THEMATIC ANALYSIS

#### A. Education

23. The Intergovernmental Working Group started its thematic analysis by considering the topic of education.
24. Mgr. Michael Kpakala Francis, the Archbishop of Monrovia, described the horrors of war in Liberia and the difficult process of healing the wounds of war. In an environment where many children had no access to education, he cited the major challenge of providing children who had either perpetrated atrocities or witnessed them with an education that would impact on their value system and that would give them an understanding of basic human rights. Mgr. Kpakala Francis pleaded for human rights education at all levels to instil respect for “the other”. He cited the psychotherapy of confession as one way to foster reconciliation and to sensitize young people in war-torn societies about the essential value of respect for “the other”. The Archbishop was of the view that one could never totally obliterate racism from the world, but that nevertheless it was possible to contain its consequences.
25. Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pointed out that education was generally understood as positively transmitting knowledge. However, the fact that highly educated persons sometimes held racist views attested in his view to the fact that education often served as a vehicle for racism. Theories of racism were historically constructed to yield benefits to certain groups and were a significant instrument of power. Mr. Diène believed that the teaching of history was necessarily the cornerstone of deconstructing racism: telling the truth about history - including from the point of view of those who were conquered and who suffered from racism - constitutes a prerequisite for reconstructing race relations.
26. The Special Rapporteur argued that education against racism needed to be nuanced and culturally sensitive. As cultural misunderstandings remain rampant, and deep misconceptions taint relations between different cultures and civilizations, he pleaded for the fostering of intercultural dialogue. This also meant that, beyond transmitting the aesthetics of different cultures such as art and folklore, education for tolerance should attempt to touch upon the identity, ethical values and spiritual beliefs of people. Mr. Diène warned against superficial teachings that would concentrate on aesthetics only, for one could appreciate African crafts, Muslim architecture, Jewish traditions and yet remain profoundly racist, islamophobic or anti-Semitic.
27. Ms. Marion O’Callaghan, a former UNESCO official and columnist for the newspaper *Newsday*, expressed the view that originally it was thought that racism was inspired by sheer ignorance and that therefore education constituted the perfect remedy to expel racial discrimination and xenophobia. The contemporary challenge is not so much “how to obtain information” but “what kind of education do we want students to receive?” She explained that a stereotype tended to provide simple information about one race - which is depicted as a monolithic group - while it shows the other race, generally the inventor of the stereotype, as complex and diversified in nature. Ms. O’Callaghan found that teaching history was a fundamental element of educating against racism, that different versions of history currently

coexisted, including those written by historians from the perspective of victim groups, and should be made available to students. Education should also include cultural education and intercultural experiences.

28. Ms. O'Callaghan pointed out that even societies that have theoretically made education available to all practised selectivity and thereby discriminated against certain persons, who often belonged to minority racial groups. She called for data, disaggregated by race and gender, as an essential means of tracing discrimination. She also pointed out that race was a socially constructed notion, not a biological term. Therefore, so-called social characteristics, propagated by racism and often internalized by victim groups, could be modified. On a related note, Ms. O'Callaghan advocated affirmative action to allow individuals to reach levels that otherwise they would not be able to reach. By doing so, these individuals became positive role models.

29. Mr. Vitit Muntarbhorn, member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, pointed out that education was a double-edged sword. Indeed, education could be a critical tool for combating racial discrimination, but it could also be used to perpetuate racism, prejudice and bigotry. In Mr. Muntarbhorn's view, the best strategy to prevent racism was to start in early childhood. With regard to formal education, Mr. Muntarbhorn stated that children of minorities, migrant workers, indigenous peoples and other groups still faced an uphill struggle in accessing primary education. He argued that a number of school policies needed to be put in place to eliminate racism from education, including guidelines for students, adequate pedagogy, teacher training, student support, parent and community involvement, and monitoring of the quality of education.

30. In addition, a key notion put forward by the panellist was experimental education, i.e. education through life situations and concrete examples, rather than learning by rote. This could be stimulated through out-of-school activities, such as community work with different ethnic groups and youth programmes bringing together adolescents from different religions and communities. In this respect, programmes linking educational institutions to the outside world ought to be encouraged to promote intercultural dialogue and understanding. Mr. Muntarbhorn attached a great deal of importance to informal education, be it training programmes run by NGOs to combat racism or action taken by the media to raise awareness about racism. He also argued that the media should be encouraged to take stock of the failings in parts of the media in terms of stereotypes, racially biased reporting and information inciting to racial hatred.

31. Mr. Eduardo Cifuentes, Director of the Division of Human Rights and Fight against Discrimination of UNESCO, gave an overview of existing UNESCO programmes to combat racism, such as the Slave Route project, the promotion of a dialogue between civilizations, the funding of projects to counter racism, the development of a tool kit for teaching tolerance and respect for diversity, and the collection and dissemination of good practices against racism. In addition, he presented new initiatives started by UNESCO, notably the development of indicators on racism and discrimination and the setting up of an international "Coalition of Cities United against Racism". He stated that young people would be actively involved in the activities of UNESCO for the International Year to Commemorate the Struggle against Slavery and its Abolition. Mr. Cifuentes recommended that the Working Group reflect on the phenomenon of xenophobia and its root causes.



32. Mr. Paulo Fontani, Programme Specialist of the Division for the Promotion of Quality in Education at UNESCO, presented the main axes of the UNESCO strategy to combat racism, such as a study on educational approaches and methodologies, teacher-training to prevent conflict, the preparation of guidelines for the revision of textbooks - including the reappraisal of traditional history books in the spirit of pluralism and cultural sensitivity - the production of publications to combat racism, the reinforcement of exchanges between schools in different countries, the creation of discussion forums on racism in schools and the definition of statistical indicators to measure racism and discrimination, a joint project with the UNESCO Institute for Statistics. According to Mr. Fontani, special attention should be given to the Convention against Discrimination in Education, which came into force in 1962, but had only been ratified by 90 States. Mr. Fontani reminded participants that this Convention was not only intended to eliminate discrimination in education, but recommended measures aimed at promoting equality and equal opportunities. He suggested that the Working Group could help to increase the number of ratifications and the effective implementation of the Convention.

33. Ms. Katarina Tomasevski, Special Rapporteur on the right to education, expressed her regret over the fact that the Durban Declaration and Programme of Action affirmed that only primary education should be free. She noted that post-primary education had become conditioned by purchasing power. Ms. Tomasevski argued that education did not necessarily lead to a decrease in racist views or opinions. Emphasizing that children learn by example, and not by exhortation, Ms. Tomasevski claimed that as long as formal schooling was seen as an investment in economic competitiveness, cooperation and solidarity would remain beyond children's learning experience. Therefore, an education that privileged competition and income-earning skills over commitments to human rights, diversity and tolerance needed to be recognized as part of the problem. Ms. Tomasevski advocated statistical monitoring of discrimination on the grounds of race, colour, ethnicity or origins as the prerequisite for strategies to eliminate racial discrimination. The absence of statistical proof of racial discrimination reflected the widespread denial of the need to urgently eliminate racial discrimination in education. Only by documenting the racial and gender profile of exclusion from education could the racial profile of the excluded be recorded and monitored.

34. Ms. Tomasevski claimed that de jure racial segregation in schooling had been replaced by de facto racial segregation, based on purchasing power, in the case of private educational institutions, or in residential segregation. She drew the attention of the participants to prevalent educational models which tended to test, grade and rank children's absorption capacity: instead of merely measuring outcomes and quantified learning accomplishments, greater importance should be given to education as a process of teaching and learning values. Finally, she called for the mainstreaming of the elimination of racial and gender discrimination as an explicit purpose of education. This would entail the right for people to be who they are without being forced to subordinate themselves to the cultural and religious norms of others.

35. In the discussion which followed, one issue repeatedly raised was the lack of access to education for large numbers of children around the world, in particular in developing countries. Taking into consideration that literacy nowadays was a prerequisite for the transfer of any kind of knowledge, several delegates emphasized the need to mobilize existing resources and called for international cooperation to enable all children to realize their right to education. According to one delegate, the lack of access to education or selective access to education was a primary

obstacle to the empowerment of victims of racial discrimination. Another delegate highlighted that structural adjustment programmes that forced Governments to cut down on education programmes were incompatible with the commitments of States to the provisions of international human rights treaties. It was recognized that education for men and women at all levels and ages is the key to changing patterns of social inequalities and empowering disadvantaged groups.

36. The need for disaggregated data by gender and race was echoed by several delegates. Accurate data on, inter alia, access to primary, secondary and tertiary education, and dropout rates, would provide States with the full picture of racial discrimination in education. One delegate mentioned that the Independent Eminent Experts had recommended that a racial equality index be developed to measure racial disparities. Several delegates agreed that the concept deserved further attention and consideration by the Working Group. One delegate drew attention to the high cost of gathering disaggregated data and to the fact that a number of treaty bodies already requested States to provide detailed statistics.

37. The importance of effectively implementing legal norms against discrimination in education was highlighted by one NGO and several participants called for the ratification and effective implementation of the UNESCO Convention against Discrimination in Education.

38. Some delegates expressed the view that formal education could be as much a means to reinforce inequalities - and even to undermine human rights - as a means to combat racism. Quality education was seen as a key element for the transmittal of ethical values. In their evaluation of the present state of education, delegates deemed that the quality of education was sometimes sub-standard, while in other cases it was ethnocentric and served as a vehicle for the values of the majority while disregarding the perspectives of minority groups. It was argued that the concept of education should be conceived broadly to not only encompass the strict transfer of knowledge and skills, but reach out to the ethical values, world views and perceptions of identity that were underpinning racist attitudes, opinions and behaviour. It was also acknowledged that education, in particular human rights education, changes attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance, and that quality education, elimination of illiteracy, and access to free primary education for all contributes to more inclusive societies.

39. Mr. Diène deemed that, ideally, education systems should transmit both universal values, understood as values enshrined in international instruments, and community values. Significantly, delegates and panellists deemed it would be important, when educating against racism, to engage in a sincere dialogue with students and to refrain from inculcating politically correct views that might be perceived as propagandistic.

40. It was stressed that efforts to combat racism which only concentrated on the formal education sector were insufficient, as most people were as much influenced by the media, religious institutions, advertising, private sector policies and informal educational projects as they were by formal education. Several delegations noted that the challenges related to the prevention of xenophobia and the fight against racism are not of static nature and emphasized that developments such as the influx of refugees or migrants require prompt and proper attention and dynamic approaches. In this context, it would be important for all actors in society,

including the Government, civil society, the private sector, schools, the media, the family, children and youth, to participate and work closer together in all aspects of the educational process.

41. Some delegates emphasized that the Durban Declaration and Programme of Action repeatedly referred to human rights education as a tool to combat racial discrimination. Just as racism was ideologically constructed, sometimes by renowned philosophers, the time had come to deconstruct it through an accurate reflection of history and through education on human rights. In this respect, one delegate deemed that human rights education should be fully integrated into school curricula and cut across subjects as varied as biology, history, geography and religion. The importance of training teachers, public officials and law enforcement personnel was also highlighted, together with the need for public information campaigns aimed at sensitizing certain groups in society. It was repeatedly stressed that effective educational programmes aimed at combating racial discrimination should promote respect for cultural diversity. In the same vein, one delegate noted that the dialogue between civilizations, initiated by UNESCO, should be further encouraged.

42. Mr. Fontani suggested that the Working Group could link up with the “Education for All” movement and other already existing mechanisms, such as the Millennium Development Goals. He also recommended that the Working Group call for a second Decade on Human Rights Education.

## **B. Poverty**

43. The Intergovernmental Working Group continued its thematic analysis of the implementation of the Durban Declaration and Programme of Action by considering the topic of poverty.

44. For Mr. Diène, there is an ambiguous relation between poverty and racism: poverty is an expression as well as a consequence of racism. Historically, the concepts of race and colour had been instrumental in establishing a social, economic and political hierarchy. He added that racial discrimination was the ideological pillar that had served to justify slavery and colonization and had led people to conclude that the victims of racial discrimination “deserved” what was happening to them, because of their inferior status. The hierarchy thus established remained, even after the abolition of slavery, and linked racial discrimination to poverty.

45. The Special Rapporteur also referred to the instrumentalization of poverty by extreme right wing political parties, who exploit it in two ways. First, they demonize the immigrant, the refugee and the non-national living in poverty by presenting them as a threat to the prosperity, living standards and sometimes even the security of the host country. Secondly, they target the most vulnerable and disadvantaged nationals as recipients and consumers of their discourse of fear and hatred. Poverty had thus become the common element between the foreigner demonized by extreme right wing parties and groups in society airing racist views and displaying xenophobic attitudes.

46. Mr. Diène also warned against the emergence of a new type of racial discrimination. New social theories - supposedly scientific - propagated the idea that certain cultures and values in the developing world were archaic and constituted an obstacle to development. This, in turn, fomented the social discourse that, if developing countries were poor, it was because they did not possess sufficiently modern values for their development. In this manner, entire communities were blamed for their poverty. According to Mr. Diène, such views reformulated the old theory that some cultures were backward and therefore in need of "modern civilization". This reflected a type of neocolonial ideology. Finally, he questioned the impact of development policies that, in his view, crippled certain developing countries in their capacity to provide education against racial discrimination.

47. Mr. Alfredo Sfeir-Younis, Senior Advisor at the World Bank, stated that poverty could have non-material forms and that racial discrimination could be such an example. Looking at programmes aimed at alleviating poverty over the last 60 years, Mr. Sfeir-Younis pointed out that the approach of the World Bank had changed, notably from top-down to bottom-up, from big infrastructure projects to small, local community-driven projects, and from purely growth-oriented programmes to programmes aimed at growth with equity and participation based on social inclusion and empowerment. Mr. Sfeir-Younis emphasized, however, that poverty alleviation could not be viewed outside the creation of wealth and that economic development needed to be scaled up in order to reduce the number of people living in poverty.

48. Mr. Sfeir-Younis argued that the construction of a new poverty alleviation framework, anchored in rule-making and institutional arrangements which include human rights, should be fully integrated into existing economic development models. Sustainable development implies attention to all forms of capital, including human rights capital. Human rights, in this context, should become an integral component of the capital that actors in the economy allocate, manage, and control with a view to alleviate poverty.

49. Mr. Sfeir-Younis highlighted the Millennium Development Goals as an example of how normative choices were gaining global support. In many ways, he stated, human rights could enhance the humanization of traditional economic development models. He emphasized the role and responsibility of Governments in the realization of human rights. He said that reforms were required and should focus on fighting corruption, reinforcing the role of the judiciary, reallocating public expenditure for social services, and promoting empowerment and participation, particularly of disfavoured groups.

50. Ms. Anne-Marie Lizin, independent expert on the question of human rights and extreme poverty, stated that extreme poverty was a universal phenomenon that existed in developing nations as well as in the developed countries. In some cases, racial conflict and poverty were a long-term result of colonial politics and the slave trade. In other cases, immigrants who did not speak the language of the host country flocked together in ghettos, with few perspectives for improving their status. Ms. Lizin argued that States should ensure that the right to freedom of association, in particular the right to create and join a labour union, was respected, as well as the right to a minimum income, even in developing countries. She cited the example of Yemen as a country that was caring for the poor through its traditional safety network. Ms. Lizin highlighted the importance of access to education and to minimum health services as a means of breaking the cycle of poverty, and regretted that, too often, the education of the girl-child was insufficiently guaranteed.

51. Ms. Lizin stressed the importance of decentralization as an essential part of any strategy for combating poverty. The State could also play an important role in combating racial discrimination by not mentioning ethnicity or race on identity cards and by setting up a national civil registration system that could provide the necessary statistical information for the design and implementation of adequate poverty eradication programmes for the benefit of marginalized groups. Without a comprehensive civil registration system, she argued, undocumented persons would feel even more deprived and excluded from society. Ms. Lizin also affirmed that poor people worldwide were well aware of how rich people lived. A real negotiation between the rich and the poor on how to redress the present imbalance in resources and priorities therefore needed to take place urgently.

52. In his presentation, Mr. Klaus Enders, Assistant Director of the European Offices of IMF, claimed that poverty and economic crisis often contribute to racism and discrimination. Therefore, the Fund's mandate to help member countries achieve sustainable growth and reduce poverty directly addressed the root causes of racism and discrimination. IMF had repeatedly spoken out for concerns of poor member countries, particularly in relation to the delivery of financial support promised by industrial countries and a greater opening of markets for exports from poor countries. On the subject of comprehensive Poverty Reduction Strategy Papers (PRSPs), Mr. Enders indicated that the breadth and depth of PRSPs was evolving as the process of their elaboration became more and more participatory. In virtually all cases, PRSPs called for specific support for rural areas which tended to benefit disfavoured groups such as indigenous populations.

53. Mr. Enders acknowledged that Governments in low-income countries, when formulating their economic policies, inevitably faced difficult trade-offs between the needs for social and infrastructure spending and other expenditures. According to the panellist, a country should not compromise on financial and macroeconomic stability because imbalances hurt the poor most of all. Economic crises tended to aggravate social tensions and create a fertile ground for racism and discrimination, as deteriorating economic situations often triggered witch hunts for culprits. Therefore, the IMF generally advocated that the sound way to boost social spending was to cut back unproductive expenditures, such as military outlays, ill-targeted subsidies or excessive public payrolls. The IMF also worked with member States to increase the transparency of economic statistics and decision-making, which are closely linked to social development and human rights. Through its Code of Good Practices on Fiscal Transparency, the IMF helped to empower local population by enhancing governments' accountability. Mr. Enders concluded by explaining the IMF's stance against protectionism and its work for greater openness to trade. Strongly believing that reasonably open markets in developing and developed countries are a powerful catalyst for growth and poverty reduction, Mr. Enders advocated in favour of substantive liberalization in agricultural trade.

54. Mr. Hans Wahl, the representative of the Social and Human Sciences Sector of UNESCO, described poverty as the ultimate state of powerlessness and disenfranchisement. He highlighted that poverty was not only economic and that there was nothing inevitable about it. Poverty was not an outgrowth of a shortage of food or wealth, but rather a result of the failure to allocate wealth fairly. Both poverty and racism creep into communities and nations in the vacuum created by the lack of political will to treat these inequities as human rights issues. According to Mr. Wahl, it was in that vein that UNESCO had developed its Poverty Eradication Strategy.

55. Mr. Michael Herrmann, the panellist from UNCTAD, stated that the equality that most economists are concerned with today is not a material equality, which may be associated with income or wealth, but a type of equality that is associated with capabilities to function effectively. Capabilities to function effectively represent not only equality with respect to ends, but equality with respect to the means to achieve certain goals. In order to endow actors with capabilities to function effectively, it is essential that basic needs are met. He argued that poverty, as the inability to meet basic needs, could contribute to discrimination. Vice versa, racial discrimination could also prevent actors from meeting their basic needs and therefore significantly impede their capabilities to function effectively. Mr. Herrmann concluded that broad-based, long-term and systematic discrimination were most likely to cause poverty or prevent its eradication.

56. According to Mr. Herrman, the causes of poverty tend to be multiple and complex. He explained that it was characteristic of the poverty trap that it could not be broken from those caught within and that external assistance was required to help break the cycle of poverty. Well-targeted affirmative action was necessary to restore equality. Mr. Herrman also indicated that current efforts to reach the Millennium Development Goals were insufficient. In the least developed countries, where the majority of the population lives in extreme poverty, he argued that special efforts in favour of these States would be necessary in order for them to achieve them.

57. In the discussions that followed, it was underlined that racial discrimination may contribute to poverty as it excludes people from decision-making and from valuable assets such as economic resources, education and health. Some delegates highlighted that poverty could reinforce racial discrimination, in the sense that scarcity or economic decline could exacerbate ethnic tensions or stimulate xenophobic attitudes.

58. Thus acknowledging the vicious circle of poverty leading to racial discrimination, which in turn leads to more poverty, one panellist pleaded for a dual approach: on one hand, an adequate legal framework and effective law enforcement system to combat discrimination, and, on the other, a strategy aimed at eradicating poverty with the full participation of those whose destiny was at stake. In this context, it was argued that structural adjustment policies should not limit resources available for programmes designed to combat racism. While welcoming the elaboration of PRSPs as an important means of granting countries ownership of development programmes, some delegates affirmed that international financial institutions should systematically adopt a human rights perspective in the development of their poverty reduction policies and structural adjustment programmes. The representative of IMF replied that, in his organization's view, countries needed to improve their assessment of the social impact of financial and monetary policies and make better efforts to cost services such as health and education.

59. Most delegates agreed that sustained rates of economic growth were essential for combating poverty and some delegates highlighted the obstacles, in terms of international trade, for developing countries to realize their potential for economic growth. In particular, agricultural subsidies and barriers to market access imposed by Western countries were cited as crippling the developing countries in their efforts to meet the Millennium Development Goals. The need to urgently tackle the challenge of poverty and, in particular, the underdevelopment of the

African continent, through international and regional partnerships such as the New Partnership for Africa's Development (NEPAD) was also underscored. In the same vein, one delegate advocated that the Working Group should participate in the High-Level Panel on Threats, Challenges and Change.

60. One delegate warned the Working Group not to confuse poverty with underdevelopment and indicated that, while the former was a universal phenomenon, the latter was not. Another delegate suggested that the Working Group should limit itself to discussing the link between racism and poverty and should not engage in the far broader debate on poverty. Another delegate stated, referring to paragraphs 157 and 158 of the Durban Programme of Action, that market access, trade and debt relief were part and parcel of the package of remedial measures for past injustices that had been agreed upon at the World Conference.

61. An NGO representative expressed the view that indigenous peoples were plagued by poverty and deliberate indifference. He called upon the international community to protect indigenous peoples against flagrant racial discrimination.

62. The panellist from UNESCO considered that it was critical that victims of racial discrimination be granted access to justice, in order to enforce non-discrimination, for example in the areas of land ownership and taxation.

63. The representative of the World Bank highlighted that one could achieve the Millennium Development Goals while at the same time violating human rights, and that, therefore, one should also look at the processes through which these were being realized. He further explained that in the past, the World Bank had discarded human rights as merely a political ideology, but that its approach towards human rights had changed considerably in the past years. The independent expert on the question of human rights and extreme poverty was of the view that, although change was taking place within the World Bank, much more needed to be done. She called upon delegates to encourage ongoing change inside the World Bank and argued that Executive Directors should be accountable for the decisions they take on behalf of the countries they represent at the Board of the World Bank.

#### **IV. COMPLEMENTARY STANDARDS**

64. On 3 February 2004, the Intergovernmental Working Group started its consideration of item 7 of the agenda dealing with complementary standards.

65. The Acting High Commissioner drew the delegates' attention to the compendium of international and regional standards (E/CN.4/2004/WG.21/5) and to the report on complementary standards (E/CN.4/2004/WG.21/3). He suggested the following criteria in order to assist the Working Group in its assessment of the need for complementary standards: the need to prevent discrimination on a widespread scale; to strengthen protection where required; to react to gaps in standards that have led to major problems; to develop standards for groups in urgent need of protection against discrimination; and to face up to new challenges posed by developments in science and technology.

66. Applying these criteria, the Acting High Commissioner put forward five areas for standards-setting: the need for an international convention on the prevention of ethnic cleansing; the need for an international convention on human rights education; the need for a protocol to the Convention on the Prevention and Punishment of the Crime of Genocide, incorporating strong measures to prevent genocide; the need for an international declaration to counter discrimination against indigenous populations; and the need for an international mechanism on the prevention of the propagation of hatred through the Internet.

67. Several delegates stated that there was a need to identify the deficiencies in existing standards, in particular relating to the International Convention on the Elimination of All Forms of Racial Discrimination and to areas such as discrimination against members of ethnic minorities and the propagation of racial hatred through the Internet. It was asked whether the problem was the existence of gaps in the Convention or rather the lack of its adequate implementation. It was noted that the report on complementary standards highlighted many areas which were dealt with by treaty bodies through their jurisprudence. The matter was whether this jurisprudence was sufficient or whether there was a need for complementary standards.

68. The Acting High Commissioner raised the issue whether the implementation of existing instruments alone would suffice or whether there was a need for new strategies to combat racism. He further wondered whether the Convention could adequately protect against racism on the Internet.

69. Mr. Ion Diaconu, former member and chairperson of the Committee on the Elimination of Racial Discrimination (CERD), stressed that any action should add value to existing instruments and should not jeopardize the current system of protection against racial discrimination. He regretted that the Committee had not yet been able to provide its views to the Working Group. He then drew attention to the following areas in which complementary standards may be needed: the definition of racial discrimination and, in particular, the need to clarify the distinction between public life and the private sphere; descent-based discrimination; multiple discrimination; non-citizens and racial discrimination; differentiated treatment, and the question of whether such measures should be provisional or permanent; racism on the Internet; and the definition of xenophobia and intolerance. Mr. Diaconu suggested that the possibility of drawing up a convention on human rights education and tolerance be considered in cooperation with UNESCO.

70. Ms. Patricia Nozipho January-Bardill, member of CERD, stated that the real problem in effectively combating racism was a lack of political will. She added that, as laws tended to be implemented in a discriminatory way and racism had become institutionalized, it would take more than complementary standards to solve the issue. Strengthening the capacity of international human rights treaty bodies and looking into the lack of resources of States to effectively implement anti-racist legislation was also important. Concerning the intersectionality between gender and racism mentioned in the report on complementary standards, Ms. January-Bardill drew the delegates' attention to the Committee's general recommendation XXV on this issue and noted that States were not reporting regularly on the matter. She agreed that racism on the Internet constituted a new challenging area and that strategies to deal adequately with this problem were needed.



71. Mr. Michael Head, Chairperson of the European Commission against Racism and Intolerance (ECRI) stressed that the Council of Europe relied not only on international legal instruments in providing protection against racism and intolerance, but also on concrete activities undertaken mainly by ECRI. He referred to article 14 of the European Convention on Human Rights and Protocol No. 12 to the Convention, which provides for a general prohibition of discrimination. He also drew attention to the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, and stressed that both the Convention and the Protocol were opened for signature by non-member States of the Council of Europe. Mr. Head concluded by saying that at the level of the Council of Europe, the instruments and mechanisms necessary to ensure the effective protection against racism were in place and they had been interpreted to take into account new challenges such as the use of computer systems. Action from the Member States, however, was still needed for the ratification of the existing instruments and their effective implementation.

72. Mr. Raghavan V. Pillai, member of CERD, queried whether a fair chance had been given to the International Convention on the Elimination of All Forms of Racial Discrimination to prove adequate. He also wondered why only 169 States were parties to this Convention, while other international instruments had been more widely ratified, and why only 43 States had made a declaration under article 14 of the Convention permitting the examination of communications lodged by individuals and groups of individuals. Mr. Pillai then stressed that the need for complementary standards had to be considered both at the conceptual and at the procedural levels. He pointed out that at the conceptual level, the Committee has addressed the need for added protection of various groups such as indigenous peoples, Roma, and descent-based groups in its general recommendations. The Committee had developed new procedures, such as its review procedure and its early warning and urgent action procedures. Mr. Pillai also pointed out that the issue of human rights education and in particular awareness-raising in relation to racial discrimination, and the area of freedom of expression and the prohibition of racist propaganda should be looked into in greater depth. Finally, he emphasised the importance of studying the need for complementary standards at the regional and national levels in order to deal with particularities in the protection and promotion of human rights.

73. Mr. Lee Swepston, Chief of the Equality and Employment Branch of the International Labour Office (ILO), referred to various ILO standards providing for protection against discrimination and drew attention to the positive impact of interaction between the ILO and United Nations human rights treaty bodies. He stressed the importance of the Committee of Experts on the Application of Conventions and Recommendations, a unified supervisory mechanism covering all ILO conventions, but acknowledged that implementation was a problem. In particular, he explained that the absence of protection for workers in the informal economy was an issue. Mr. Swepston also said that more efforts should be made within the United Nations system to promote ratification and effective implementation of existing international instruments. Referring to indigenous and tribal peoples, Mr. Swepston highlighted the provision of technical assistance and mentioned action taken by the system as a whole. Concerning the need to adopt new standards, Mr. Swepston was of the view that this should be done only if substantial improvement could be contemplated.

74. Ms. Marilia Sardenberg, Vice-Chairperson of the Committee on the Rights of the Child (CRC), presented the common views of the CRC. She referred to article 2 of the Convention on the Rights of the Child which includes the principle of non-discrimination. Ms. Sardenberg pointed out that the Committee addressed the issue of racism with each State party and asked for specific information on actions taken at the national level. Ms. Sardenberg noted that in its recommendations to States parties, the Committee referred to the concluding observations adopted by other treaty bodies. She also highlighted the importance of the Committee's dialogue with NGOs and specialized agencies, as well as the strong partnership established with UNICEF. She noted a gap between the standards in the Convention and their actual de facto implementation by States parties, in particular with regard to racial discrimination.

Ms. Sardenberg referred to the Committee's first general comment on the aims of education which links the right to education with the struggle against racism. She also mentioned the decision adopted by the Committee after the World Conference to include in all its concluding observations a paragraph asking each State party whose report is considered by the Committee to provide specific information on the way it implements the Durban Programme of Action. She then highlighted the day of general discussion on the rights of indigenous children.

75. Following the panellists' remarks, some delegates agreed that the challenge was to implement the instruments that were already in place. In particular, the global acceptance of the International Convention on the Elimination of All Forms of Racial Discrimination, together with its full and effective implementation, including the withdrawal of reservations, was one of the important ways of promoting non-discrimination. Concerns were expressed in relation to the effectiveness of the work of monitoring mechanisms as well as the need to provide treaty bodies with sufficient resources. The need to strengthen regional as well as national mechanisms was also mentioned, as well as the provision of accessible complaints mechanisms. Although they believed that there was a need for additional standards, other delegates agreed that any additional legislation would need to be supplemented by political will and that there was also a need to look into ways making existing instruments more effective. It was also noted that the implementation of existing instruments did not preclude considering new instruments.

76. Several delegates highlighted the importance of partnerships such as that between CRC and UNICEF and wondered whether it would be possible to promote such partnerships with other specialized agencies in relation to other instruments and corresponding treaty bodies. More generally, the importance of partnerships between States, civil society and international organizations was pointed out. Cooperation between treaty bodies, and the coordinating role of the inter-committee meetings and the meetings of Chairpersons of treaty bodies were equally highlighted. The need for greater efforts in the field of technical assistance and international cooperation was also reiterated.

77. The African Group proposed that further reflection be devoted to the possibility of either drawing up an additional protocol to the Convention or of revising it. The aim would be to provide a mechanism which would enhance access to justice for victims of racial discrimination, to deal with the issue of incitement to racial hatred on the Internet, and to tackle the broader concept of racial intolerance. Several delegates subscribed to this proposal and stated that the need for complementary standards should be considered as a premise to the discussion.

One delegate said that the issue had to be studied further, in relation to both the form and the substance of a protocol. It was also stressed that an additional protocol may be preferable to a revision of the Convention which would require the acceptance of two thirds of the States.

78. Other delegates felt that there was no need for complementary standards, as the Convention already applies to the three above-mentioned areas. It was also pointed out that the Durban Programme of Action included recommendations on the issue of racial hatred on the Internet and that States should be asked what they have done to implement these recommendations. Some delegates also stressed the difficulty of effectively regulating the Internet without the cooperation of commercial operators. As for the issue of access to justice, and bearing in mind the limited number of States parties to the Convention that have made the declaration under article 14, one delegate wondered how the acceptance of any new instrument or mechanism could be ensured. The proposal that treaty bodies provide their views as to whether their jurisprudence sufficed to protect individuals against racial discrimination was reiterated, and it was suggested that treaty bodies discuss this issue at the meeting of their Chairpersons.

#### **V. FOLLOW-UP TO THE RECOMMENDATIONS OF THE FIRST SESSION AND RECOMMENDATIONS FOR FUTURE WORK**

79. The Coordinator of the Anti-Discrimination Unit gave an overview of the follow-up measures taken by OHCHR in response to the recommendations of the first session of the Intergovernmental Working Group.

80. The Working Group discussed and formulated proposals for the organization of work at its next session (see recommendations 24 to 27 below).

#### **VI. RECOMMENDATIONS**

81. **The Intergovernmental Working Group adopted by consensus the text of recommendations, reading as follows:**

**“The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, having convened its second session from 26 January to 6 February 2004, and after having a discussion and analysis on the thematic issues of poverty and education, as well as on complementary standards, adopts the following recommendations:**

##### **Education**

**“1. The Working Group recognizes that education, both formal and non-formal, is an essential tool for raising awareness about the scourge of racial discrimination and for promoting non-discriminatory and more inclusive societies. In this regard, the Working Group underscores the need for all societies to respect cultural diversity and to promote tolerance by formulating educational policies and programmes in conformity with the universal principles of equality and non-discrimination;**

**“2. The Working Group recommends the establishment of educational plans or guidelines to promote tolerance, cultural interaction, respect for cultural diversity and human rights guaranteed at the international level. In this respect, the Working Group will coordinate its work with UNESCO, in particular with respect to their initiatives in the area ‘Dialogue among Civilizations’;**

**“3. The Working Group recognizes that, at the national level, there is a need for all stakeholders to participate in open and democratic discussions on the discriminatory aspects of existing educational policies, programmes and practices and on how these may affect access to education and equality of opportunities;**

**“4. The Working Group urges States to effectively implement the education-related provisions of the Durban Declaration and Programme of Action by making available the necessary funding and promoting international cooperation which will contribute to achieving the Millennium Development Goal of achieving universal primary education by 2015. To this end, the Working Group underlines the positive spirit of renewed political will and commitment to universal equality, justice and dignity, encapsulated in the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and calls on the Independent Eminent Experts, appointed by the Secretary-General to interact with the Governments to mobilize the adequate resources to address the educational needs of the victims of racism;**

**“5. The Working Group emphasizes the need to mainstream human rights education throughout the educational process, including at early childhood and at family level. It also recommends the promotion of other forms of education and awareness-raising to foster tolerance and mutual respect, including through experience and practical approaches and the use of the media. With respect to formal education, all the curriculum subjects have the potential to be used for the promotion and reinforcement of cultural understanding and respect for diversity;**

**“6. The Working Group welcomes the UNESCO integrated strategy to combat racism, racial discrimination, xenophobia and related intolerance and emphasizes the importance of the establishment of working relations with other regional and international organizations that have or are setting up strategies and programmes with a view to the effective implementation of the education-related provisions of the Durban Declaration and Programme of Action and, in particular, within the framework of the mechanisms established to ensure the achievement of the six goals of the Dakar Framework for Action, Education for All, adopted by the World Education Forum in 2000.**

#### **Poverty**

**“7. The Working Group reaffirms 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. The Working Group encourages States to take this close correlation into consideration when they plan development policies;

“8. The Working Group is concerned that, in many parts of the world, the Millennium Development Goal of reducing by half, between 1990 and 2015, the proportion of people living on less than one dollar a day, has so far not been met. Similarly, the relevant commitments made in Durban have also not been realized. The Working Group appeals to States, individually or through international cooperation, to enhance their policies and measures to reduce income and wealth inequalities. The Working Group emphasizes that the ultimate goal remains the total eradication of poverty;

“9. The Working Group emphasizes that the phenomenon of poverty should neither be regarded as an acceptable outcome of socio-economic development nor as a natural condition of certain groups or individuals. In this regard, the Working Group urges States to implement activities conducive to an intercultural dialogue at the national and international levels with a view to including vulnerable groups and individuals in poverty eradication policies and programmes;

“10. The Working Group underlines that structural adjustment policies should improve social policies, including by giving priority to programmes designed to combat racism, racial discrimination, xenophobia and related intolerance. To this end, the Working Group calls upon the international financial institutions to understand and acknowledge the importance of integration of aspects of discrimination based on racism, racial discrimination, xenophobia or related intolerance in their poverty and social impact assessments;

“11. The Working Group recognizes that human development, including education, empowerment and the participation of men and women from vulnerable groups in the economic mainstream and decision-making processes of their countries is a crucial element in the eradication of poverty. In this regard, it is considered essential for countries to establish adequate human resource development policies and strategies. The Working Group encourages States to formulate and further strengthen their national programmes for eradicating poverty and reducing social exclusion by including these aspects into the design, implementation and evaluation of those programmes. To this end, the Working Group requests States that have already included these aspects into their activities to send such information to OHCHR for inclusion as best practices in its database;

“12. The Working Group notes that programmes and services, including cultural practices, exist in many countries for economically deprived, marginalized and excluded individuals. The Working Group urges States to enlarge these programmes and services, also with a view to encompassing individuals who are marginalized or excluded as victims of racism, racial discrimination, xenophobia and related intolerance;

**“13. The Working Group emphasizes the importance of the socio-economic environment for an inclusive society, inter alia through the establishment of social security networks and minimum wages, legalization of migration, and access to justice, taking into account, in particular, individuals that face poverty as victims of racism, racial discrimination, xenophobia and related intolerance;**

**“14. The Working Group highlights the importance of the effective collection and analysis of statistical data by national authorities for the design, implementation and evaluation of poverty eradication programmes and policies for the benefit of marginalized and excluded groups or individuals that have been or are victims of racism, racial discrimination, xenophobia and related intolerance;**

**“15. The Working Group encourages States which engage in PRSP schemes to promote transparent and participatory processes that include victims of racism, racial discrimination, xenophobia and related intolerance. In this regard, the Working Group urges IMF and the World Bank to consider this approach as a way of contributing to the implementation of the Durban Programme of Action;**

**“16. The Working Group emphasizes the importance of external debt relief with a view to strengthening any initiative taken by heavily indebted poor countries in their efforts to reduce poverty and social exclusion;**

**“17. The Working Group emphasizes the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery. It also stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context, urges States to sign and ratify the Convention against Corruption as soon as possible;**

**“18. The Working Group notes with interest the establishment, by the Secretary-General, of the High-Level Panel on Threats, Challenges and Change, in particular its focus on racism as a global threat. Therefore, the Working Group will seek cooperation with the panel.**

#### **Complementary standards**

**“19. The Working Group reaffirms its mandate to prepare complementary standards to update and strengthen the existing instruments dealing with the elimination of racism, racial discrimination, xenophobia and other related intolerance. To this end, the Working Group decides to remain seized of this issue and to undertake, in its future sessions, a constructive dialogue on all the substantive issues, which such additional instrument(s) may address and bridge gaps and weaknesses in the existing instruments and their implementation;**

**“20. In the above context, the Working Group acknowledges the compendium and accompanying analytical report produced by OHCHR and presented, for reflection, to the current session of the Working Group. These useful documents have attempted, albeit to a limited extent, to identify the gaps in the relevant existing instruments. Further to these documents, the Working Group requests OHCHR to convey its invitation to CERD for its written views on the effectiveness of the Convention, including its implementation. Similarly, the Working Group conveys its invitation to all other treaty monitoring bodies to submit their written views in this regard. Further, the Working Group requests OHCHR to facilitate the compilation of these views and of other views submitted by interested institutions and organizations, and to ensure their timely circulation to all members of the Working Group before its next session with the view to enriching the Working Group’s debate on the preparation of complementary standards;**

**“21. The Working Group welcomes and supports current efforts and initiatives of human rights treaty bodies to strengthen their cooperation and coordination by making use of, inter alia, the inter-committee meetings, the meeting of the Chairpersons of the treaty bodies and the sharing and use of concluding observations;**

**“22. The Working Group notes the intention of CERD to hold a thematic discussion on non-citizens and racial discrimination and invites all treaty bodies to continue holding thematic discussions on issues raised by the Working Group;**

**“23. The Working Group requests its Chairperson to submit the report of the Working Group at its second session to the Commission at its sixtieth session.**

#### **Next session**

**“24. The Working Group decides to undertake, at its next session, thematic discussions on the issues of health and racism, and racism and the Internet;**

**“25. The Working Group will also undertake, at its next session, a dialogue on substantive issues with regard to the preparation of complementary standards;**

**“26. Based on the positive experience of the current session, the Working Group decides to structure its next session as follows:**

- (a) General statements;**
- (b) Thematic analysis;**
- (c) Complementary standards;**
- (d) Recommendations and future work;**

**“27. The Working Group reiterates the invitation to United Nations bodies, programmes and funds, specialized agencies, and international financial, trade and development institutions to exchange information and to coordinate their activities with the Working Group with a view to mainstreaming the effective implementation of the Durban Declaration and Programme of Action in their policies, operational programmes and actions, and also reiterates the invitation to them to participate and contribute to discussions of the Working Group.”**

## **VII. ADOPTION OF THE REPORT**

82. On 9 March 2004, the Intergovernmental Working Group discussed and adopted the report on its second session prepared by its Chairperson-Rapporteur.



## **Annex I**

### **LIST OF ATTENDANCE**

#### **States Members of the United Nations**

Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Bahrain, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, China, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Moldova, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Philippines, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

#### **Non-member States represented by observers**

Holy See.

#### **United Nations**

United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Conference on Trade and Development (UNCTAD).

#### **Specialized agencies**

International Labour Organization (ILO), International Monetary Fund (IMF), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Bank.

#### **Intergovernmental organizations**

African Union, Council of Europe, European Commission, League of Arab States.

#### **Non-governmental organizations**

##### **Special consultative status**

African Commission of Health and Human Rights Promoters, Baha'i International Community, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples (CIRAC), Interfaith International, International Association Against Torture, International Movement for Fraternal Union among Races and Peoples, Migrant Rights International.

**Roster**

All for Reparations and Emancipation, Association of World Citizens.

**Accredited to the World Conference against Racism, Racial Discrimination,  
Xenophobia and Related Intolerance**

Espacio Afroamericano, Indigenous Peoples and Nations Coalition.

## **Annex II**

### **AGENDA**

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. General statements: exchange of information on participants' implementation, activities and debate on issues of general interest to the implementation process.
6. Thematic analysis: discussion on and analysis of the major issues of education and poverty:
  - (a) Education;
  - (b) Poverty.
7. Complementary standards: examination of the reports prepared for the session and recommendations for future work.
8. Follow-up to the recommendations of the first session.
9. Recommendations for future work.
10. Adoption of conclusions and recommendations.
11. Adoption of the report.

### **Annex III**

#### **LIST OF DOCUMENTS PREPARED FOR THE WORKING GROUP**

##### **Official documents**

E/CN.4/2004/WG.21/1	Provisional agenda
E/CN.4/2004/WG.21/2	Programme of work
E/CN.4/2004/WG.21/3	Report of the High Commissioner for Human Rights submitted pursuant to Commission on Human Rights resolution 2003/30
E/CN.4/2004/WG.21/4	Racism, racial discrimination, xenophobia and all forms of discrimination - Note by the secretariat on focal points
E/CN.4/2004/WG.21/5	Compendium of international and regional standards against racism, racial discrimination, xenophobia and related intolerance

##### **Background papers**

###### **Education**

E/CN.4/2004/WG.21/BP.1	Background paper prepared by Vitit Muntarbhorn, Member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights
E/CN.4/2004/WG.21/BP.2	Background paper prepared by Marion O'Callaghan, columnist, <i>Newsday</i>
E/CN.4/2004/WG.21/BP.3	Background paper prepared by Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
E/CN.4/2004/WG.21/BP.4	Background paper prepared by Alfredo Sfeir-Younis, Senior Adviser to the Managing Director's Office, World Bank
E/CN.4/2004/WG.21/BP.5	Five necessary steps to eliminate racism and xenophobia in education and through education: recommendations by Katarina Tomasevski, Special Rapporteur on the right to education
E/CN.4/2004/WG.21/BP.6	Background paper prepared by Paulo Fontani, UNESCO, Section for Peace and Human Rights Education

**Poverty**

- E/CN.4/2004/WG.21/BP.7      Background paper prepared by Klaus Enders,  
Assistant Director of the Office in Europe of the  
International Monetary Fund
- E/CN.4/2004/WG.21/BP.8      Background paper prepared by Anne-Marie Lizin,  
independent expert on human rights and extreme poverty
- E/CN.4/2004/WG.21/BP.9      Background paper prepared by Michael Herrmann, Policy  
Analysis and Research Cluster, Special Programme for  
Least Developed Countries, United Nations Conference on  
Trade and Development
- E/CN.4/2004/WG.21/BP.10     Background paper prepared by Hans Wahl, Poverty and  
Human Rights Programme, Social and Human Sciences  
Sector, UNESCO

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