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COMMISSION ON HUMAN RIGHTS
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Agenda item 6

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

Congo (on behalf of States members of the African Group): revised draft resolution

**2004/... World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance and the comprehensive
implementation of and follow-up to the Durban Declaration
and Programme of Action**

The Commission on Human Rights,

Recalling all its previous resolutions on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling in particular its resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, in which the Commission established effective mechanisms for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Taking note of General Assembly resolution 58/160 of 22 December 2003, and appreciating the growing momentum for enhanced effort by the international community towards the elimination of racism, racial discrimination, xenophobia and related intolerance,

Underlining that political will, international cooperation and adequate funding at all levels are indispensable prerequisites for the successful implementation of the Durban Declaration and Programme of Action,

Underlining also its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance, and encouraging all States to join this drive towards non-discrimination, human dignity and equality for all peoples worldwide,

I. BASIC GENERAL PRINCIPLES

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;
2. *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;
3. *Regrets* that discriminatory immigration laws, policies and practices, including enforcement mechanisms, contribute to the persistence of racism, racial discrimination, xenophobia and related intolerance;
4. *Underlines* the importance of mainstreaming the values of non-discrimination, equality, human dignity and human solidarity in the United Nations system;
5. *Urges* States to mainstream a gender perspective in the design and development of prevention, education, promotion and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels to ensure that they effectively target the distinct situations of women and men;

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

6. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the Convention, 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;

7. *Welcomes and emphasizes* the importance of implementing general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination, in which the Committee emphasized the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommended measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

8. *Welcomes* the outcome of the second session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action (see E/CN.4/2004/20), which focuses on the cross-cutting thematic issues of poverty eradication and education, and to this end directs the Working Group to consider that all future thematic issues are linked to these two main themes;

9. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to implement all the relevant recommendations of the second session of the Intergovernmental Working Group and to submit a progress report in that regard to the Commission at its sixty-first session;

10. *Welcomes* the outcome of the third session of the Working Group of Experts on People of African Descent (see E/CN.4/2004/21), which focused on the thematic issues of administration of justice, the media and access to education;

11. *Also welcomes* the inaugural session of the group of independent eminent experts, held at Geneva from 16 to 18 September 2003, with the participation of representatives of Member States, the United Nations system and civil society, takes note of its substantive outcome, and in this context requests the United Nations High Commissioner for Human Rights to examine the possibility of the development of a racial equality index, as proposed by the group of independent eminent experts, and to report thereon to the Commission on Human Rights at its next session;

12. *Recognizes* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to this end emphasizes the central role to be played by independent eminent experts in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action;

13. *Welcomes with appreciation* the initiative of the Intergovernmental Working Group to commence at its next session the process of preparation of complementary standards with a view to strengthening and updating international instruments against racism, racial discrimination, xenophobia and related intolerance;

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

14. *Expresses its full support and appreciation* for the work of the Special Rapporteur, welcomes his reports (E/CN.4/2004/18 and Add.1-4 and E/CN.4/2004/19) and encourages the continuation of his work;

15. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

16. *Urges* all Governments that have not yet done so to give serious consideration to issuing standing invitations to the Special Rapporteur to visit their countries and to ensure that all requests for visits by the Special Rapporteur are favourably considered;

17. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur;

18. *Invites* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

19. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session;

V. GENERAL

20. *Decides* to consider this matter at its sixty-first session under the sub-item of the agenda entitled “Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.
