



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.13
7 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 6

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

Ethiopia (on behalf of the African Group): draft resolution

**2005/... 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 in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

Taking note of General Assembly resolution 59/177 of 20 December 2004, in which the Assembly firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action,

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

Noting that in General Assembly resolution 57/195 of 18 December 2002, the Assembly outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, in the field of elimination of racism, racial discrimination, xenophobia and related intolerance,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Deploring 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, inter alia as a result of the 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,

Recognizing with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of Asian descent and other communities,

Acknowledging the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003 and inviting all States that have not yet done so to consider signing, ratifying or acceding to this important instrument, which imposes responsibility on States to protect the victims 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,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

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 instrument;

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 racially discriminatory immigration laws, policies and practices, including enforcement mechanisms, contribute to the persistence of racism, racial discrimination, xenophobia and related intolerance and in this context urges all States that have not yet done so

to review and revise any racially discriminatory immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

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;

6. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures for addressing these scourges with the same emphasis and vigour, with a view to preventing this practice and protecting victims;

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

7. *Reiterates the call* made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in paragraph 75 of the Durban Plan of Action to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and expresses grave concern that at the current pace, that is, 170 ratifications and only 45 declarations, the deadline for universal ratification decided by the Conference will regrettably not be realized;

8. *Requests*, in the above context, the Office of the High Commissioner for Human Rights to publish a list of countries that have not yet ratified the Convention;

9. *Calls upon* all States that have not yet complied with the recommendations of the Conference urgently to demonstrate will and commitment towards the fulfilment of these recommendations as a matter of priority;

10. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (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;

11. *Emphasizes* the importance of implementing general recommendation XXVIII (2002) of 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;

12. *Welcomes also* general recommendation XXX (2004) on discrimination against non-citizens adopted by the Committee on the Elimination of Racial Discrimination at its sixty-fourth session and stresses the need for its implementation;

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

13. *Welcomes* the outcome of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action outlined in the report of the Intergovernmental Working Group on the work of its third session (E/CN.4/2005/20), which focuses on complementary standards as well as cross-cutting thematic issues of health and racism, and racism and the Internet, and calls upon all States to implement the recommendations of the Working Group without delay;

14. *Decides*, in the above context, to request the Office of the High Commissioner for Human Rights, in consultation with Member States, to convene high-level seminars during the first five days of the fourth session of the Intergovernmental Working Group:

(a) A first seminar of two days focusing on racism and the Internet and inviting all stakeholders, inter alia States, the World Summit on the Information Society, international and regional organizations, non-governmental organizations, the private sector and the media; and

(b) A second seminar of three days, inviting members of the Committee on the Elimination of Racial Discrimination, to produce a conclusive list of the areas where gaps exist for which complementary standards are necessary, including presentation of concrete proposals on the structure and format of the proposed additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination;

15. *Decides* that the programmes, structures and formats of the above high-level seminars should be agreed among Member States, assisted by the Office of the High Commissioner, and could include, but not necessarily be limited to, inviting a core group of ministers responsible for human rights and/or equivalent participants from all regions as panellists to share their views on the desirability of complementary standards;

16. *Welcomes* the outcome of the fourth session of the Working Group of Experts on People of African Descent, which focused on the thematic issues of employment, health and housing;

17. *Endorses* the recommendations of the Working Group contained in its report (E/CN.4/2005/21);

18. *Decides* to convene the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action from 16 to 27 January 2006;

19. *Strongly recommends* that no intersessional meetings of the mechanisms of the Commission established for the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action coincide or overlap with the sessions of the General Assembly or any other sessions of the working groups of the Commission;

20. *Requests* the Office of the High Commissioner to ensure that the future sessions of the Working Group of Experts on People of African Descent are scheduled to precede those of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

21. *Underlines* that States, in conformity with their domestic legislation and relevant international human rights norms, should give priority to improving and funding systems to collect reliable disaggregated data to measure inequalities among different racial groups, with a view to identifying and implementing appropriate corrective measures to combat racism and racial discrimination in their societies, and to ensuring that reliable disaggregated data are made widely available to the public for the implementation and evaluation of their policies and programmes in consultation with and through the participation of the public, including civil society, and to this end take into account existing best practices and initiatives at the national and regional levels, including, inter alia, those of the European Monitoring Centre on Racism and Xenophobia;

22. *Calls on* States to take firm action against racist platforms in political institutions present in various parts of the world, including in democratic systems;

23. *Condemns* all acts of racism in sporting events, whether manifested through violence, words or gestures, and whether committed by the public, management or players, and urges all States and national, regional and international sporting associations and federations to adopt firm measures for the prevention of such acts, and to impose severe penalties on the perpetrators of acts of racism;

24. *Decides*, in the above context, to invite to the next session of the Intergovernmental Working Group the administrators of the different international sporting federations and associations, including, inter alia, FIFA, UEFA, the International Olympic Committee and the Professional Tennis Association, with a view to sharing information on measures undertaken to prevent and punish racism in sport, and also to consider inviting players who are victims of racism to a future session of the Working Group;

25. *Urges* FIFA, in connection with the 2006 World Cup of football to be held in Germany, and in particular in the interest of promoting a world of sport free from racism, to consider introducing a visible theme promoting non-racialism in football;

26. *Welcomes* the second meeting of the group of independent eminent experts, held in Geneva from 21 to 23 February 2005, takes note of its outcome (see E/CN.4/2005/125) and endorses the appeal of the experts to the Commission and to the General Assembly to adopt a plan for the five-year review of the implementation of the Durban Declaration and Plan of Action;

27. *Takes note* of the report of the High Commissioner (E/CN.4/2005/17) on the possibility of the development of a racial equality index as proposed by the group of independent eminent experts at its first meeting and requested by the Commission in its resolution 2004/88, and requests the High Commissioner to expedite the consultative process in 2005 in this regard and to submit to the Commission at its sixty-second session a draft basic document on the proposed index;

28. *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 the group of independent eminent experts in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action;

29. *Requests* the High Commissioner to provide all the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts, and that in this regard particular attention be given to the proper staffing and adequate resources for the Anti-Discrimination Unit within the Office of the High Commissioner as a coordinating unit for all the process in the follow-up to the World Conference against Racism;

30. *Urges* States to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

31. *Also urges* States to create national forums for dialogue that are open and transparent and involve all stakeholders, as a broad strategy for the implementation of measures undertaken in the Durban Declaration and Programme of Action;

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

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

33. *Expresses its full support and appreciation* for the work of the Special Rapporteur, Mr. Doudou Diène, welcomes his reports (E/CN.4/2005/18 and Add.1-6 and E/CN.4/2005/19) and encourages the continuation of his work;

34. *Decides* to extend the mandate of the Special Rapporteur for a period of three years and recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of ... April 2005, endorses the decision of the Commission to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years.”

35. *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;

36. *Urges* all Governments to consider favourably the requests for visits by the Special Rapporteur;

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

38. *Invites* 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;

39. *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 sixtieth session and to the Commission at its sixty-second session;

V. GENERAL

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