

**UNITED AGAINST RACISM:
DIGNITY AND
JUSTICE FOR ALL**

DURBAN REVIEW CONFERENCE - GENEVA 2009



UNITED NATIONS

DURBAN REVIEW CONFERENCE
OUTCOME DOCUMENT



United Nations
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

DURBAN REVIEW CONFERENCE:

OUTCOME DOCUMENT



UNITED NATIONS

New York and Geneva, 2010

Note

Symbols of United Nations documents are composed of capital letters combined with figures.

The designation employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers.

HR/PUB/09/4

Introduction

This publication reproduces the Outcome Document of the Durban Review Conference in pocket size. The Durban Review Conference took place in Geneva, Switzerland, from 20 to 24 April 2009. One of its objectives was to review progress and assess the implementation of the Durban Declaration and Programme of Action, which had been adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in September 2001.

By publishing the Outcome Document of the Durban Review Conference in this user-friendly format, the Office of the United Nations High Commissioner for Human Rights (OHCHR) wishes to make it more accessible, in particular to Government officials, civil society, national human rights institutions, human rights defenders, legal practitioners, scholars and others with an interest in human rights.

For further information about racism, racial discrimination, xenophobia and related intolerance, please visit the OHCHR website: www.ohchr.org.



OUTCOME DOCUMENT OF THE DURBAN REVIEW CONFERENCE

Section 1

Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

The Durban Review Conference

1. *Reaffirms* the Durban Declaration and Programme of Action, as it was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;¹
2. *Reaffirms* the commitment to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance that was a basis for convening the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;
3. *Takes note* of the efforts undertaken at all levels and welcomes the progress achieved since the adoption of the Durban Declaration and Programme of Action to implement its provisions;
4. *Expresses concern* that challenges and obstacles identified in the Durban Declaration and Programme of Action remain to be addressed and overcome in order to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance and that there are still many areas where achievements have not been gained or further improvements have to be attained;
5. *Emphasizes* the need to address with greater resolve and political will all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in all spheres of life and in all parts of the world, including all those under foreign occupation;
6. *Reaffirms* that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights; and strongly rejects any doctrine of racial superiority along with theories which attempt to determine the existence of so-called distinct human races;
7. *Reiterates* that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies;
8. *Reiterates* 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;

¹ See A/CONF.189/12 and Corr.1, chap. I.

9. *Reaffirms* the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State;
10. *Condemns* legislation, policies and practices based on racism, racial discrimination, xenophobia and related intolerance, which are incompatible with democracy, and transparent and accountable governance;
11. *Reaffirms* that democracy and transparent, responsible, accountable and participatory governance at the national, regional and international levels, responsive to the needs and aspirations of the people, are essential to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
12. *Deplores* the global rise and number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism manifested in particular by the derogatory stereotyping and stigmatization of persons based on their religion or belief; and in this regard urges all the Member States of the United Nations to implement paragraph 150 of the Durban Programme of Action;
13. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law; reaffirms further that all dissemination of ideas based on racial superiority, hatred or incitement to racial discrimination as well as all acts of violence or incitement to such acts shall be declared offences punishable by law, in accordance with the international obligations of States and that those prohibitions are consistent with freedom of opinion and expression;
14. *Recognizes* that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences and deplores the occurrences of armed conflicts as well as ethnic or religious violence, and notes relevant provisions of the 2005 World Summit Outcome,² in particular paragraphs 138 and 139;
15. *Reaffirms* that the principles of equality and non-discrimination are fundamental principles of international human rights law and international humanitarian law that are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;
16. *Expresses its appreciation* for progress made in addressing the situation of the victims of racism, racial discrimination, xenophobia and related intolerance identified in the Durban Declaration and Programme of Action, while regretting that racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, still persist;
17. *Acknowledges* that all victims of racism, racial discrimination, xenophobia and related intolerance should receive the same necessary attention and protection and accordingly appropriate treatment;

² See General Assembly resolution 60/1.

-
18. *Recognizes* that prevention, combating and eradication of racism, racial discrimination, xenophobia and related intolerance are of crucial importance and key elements for the promotion of cohesion and peaceful resolution of community tensions;
19. *Stresses the need* to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures;
20. *Notes with appreciation* the activities at the local and national levels of various information networks on racism, racial discrimination, xenophobia and related intolerance which collect relevant information and develop strategies, while also highlighting and disseminating good practices which could assist national bodies and institutions in the development of strategies to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
21. *Welcomes* preventive initiatives to tackle discrimination in employment such as, inter alia, programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some further experiments with contract compliance and anonymous job applications;
22. *Recognizes* steps taken at the national level to promote human rights education in all parts of the world after the adoption in 2001 of the Durban Declaration and Programme of Action, particularly in order to sensitize the public at large and to foster respect for cultural diversity;
23. *Notes with appreciation* the increasing number of initiatives to promote intercultural dialogue and affirms the need to intensify engagement between all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding;
24. *Welcomes* the numerous awareness-raising activities involving States, aimed at the fight against racism, racial discrimination, xenophobia and related intolerance, including through financial support for the projects of civil society;
25. *Notes with concern* the precarious situation of human rights defenders and non-governmental organizations, including anti-racist non-governmental organizations, which undermines the struggle against racism, racial discrimination, xenophobia and related intolerance;
26. *Welcomes* the adoption of legislation, at the national and regional levels, to address discrimination and victimization, as defined in the Durban Declaration and Programme of Action, in employment and training, the provision of goods, facilities and services, education, housing and public functions;
27. *Recalls* the importance of a competent, independent and impartial judiciary to determine in a fair and public procedure whether allegations and facts before it constitute acts of

racism, racial discrimination, xenophobia and related intolerance according to international human rights law in order to ensure effective remedies and adequate redress for the victims;

28. *Reaffirms* its call upon States to implement all commitments resulting from international and regional conferences in which they participated, and to formulate national policies and action plans to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

Section 2

Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance, in order to enhance them

29. *Takes note with appreciation* of the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance undertaken by all mechanisms established following the request of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, namely 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 Independent Eminent Experts Group, and of the contributions they have made to implementing the Durban Declaration and Programme of Action;

30. *Welcomes* the important role played by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant special procedures and mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance, and calls on States to cooperate fully with those mechanisms;

31. *Acknowledges the need* to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity in their work;

32. *Reaffirms its support* for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide;

Section 3

Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination

33. *Reaffirms* that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
34. *Affirms* that full implementation of the Convention is fundamental for the fight against all forms and manifestations of racism and racial discrimination occurring today worldwide;
35. *Takes note* of the interpretation given by the Committee on the Elimination of Racial Discrimination to the definition of the concept of racial discrimination as contained in the Convention, so as to address multiple or aggravated forms of discrimination;
36. *Welcomes* the ratification of the Convention by a number of States since the 2001 World Conference, while regretting that the goal of universal ratification by 2005 was not achieved;
37. *Renews* in this context its call to States that have not yet done so to consider ratifying or acceding to the Convention as a matter of high priority;
38. *Reiterates* its call to States parties to the Convention to consider making the declaration under its article 14 to enable victims to resort to the envisaged remedy, and requests States parties that made the declaration under article 14 to increase awareness of that procedure so as to fully exploit its potential;
39. *Urges* States parties to the Convention to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;
40. *Expresses its concern* at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination by States parties, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function, reiterates that timely submission of reports by States parties is an obligation under article 9 of the Convention, and urges States parties to comply with their reporting obligations;
41. *Encourages* the States parties to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action;
42. *Acknowledges* that the reporting process should encourage and facilitate, at the national level, public scrutiny of Government policies and constructive engagement with relevant civil society actors, conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the Convention, and in that context

encourages States parties to engage with national human rights institutions and civil society while preparing their periodic reports and their follow-up;

43. *Encourages* non-governmental organizations to continue to provide the Committee with relevant information for the reporting process;

44. *Notes with appreciation* the early warning and urgent action procedure, as well as the follow-up procedure established by the Committee, which, applied in cooperation with States concerned, can play a conducive role for a proper implementation of the Convention;

45. *Emphasizes the importance* of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the Committee;

46. *Emphasizes*, while acknowledging the primary responsibility of States to implement their obligations under the Convention, that international cooperation and technical assistance play an important role in assisting countries with the implementation of their obligations under it and the follow-up to the recommendations of the Committee, and calls on the Office of the United Nations High Commissioner for Human Rights to provide, upon request, timely assistance to countries which have capacity and other constraints;

47. *Stresses* the importance of and invites States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee, and requests that sufficient additional resources be allocated for that purpose from the regular budget of the United Nations, so that the Committee may discharge its mandate fully;

Section 4

Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance

48. *Takes note with interest* of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including, inter alia, institutions, provisions and legislation to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

49. *Recognizes* that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the Durban Declaration and Programme of Action, when considered appropriate, to adapt or replicate best practices, including international cooperation;

50. *Recommends* that examples of best practices provided for by Governments, regional and international organizations and other stakeholders be placed on the website of the Office of the United Nations High Commissioner for Human Rights and linked to the section

on the outcome of the Durban Review Conference, with a view to their adaptation and replication, and recommends that the website be duly and timely updated by the Office;

Section 5

Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the Durban Declaration and Programme of Action and to address challenges and impediments thereto, including in the light of developments since its adoption in 2001

51. *Stresses the need* for a comprehensive and universal approach to preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance in all its forms and manifestations in all parts of the world;

52. *Emphasizes* its determination and commitment to ensure the full and effective implementation of the Durban Declaration and Programme of Action, which constitute a solid foundation for the struggle against racism, racial discrimination, xenophobia and related intolerance;

53. *Stresses the need* for mobilizing the political will of relevant actors at all levels which is essential to eliminate racism, racial discrimination, xenophobia and related intolerance;

54. *Reaffirms* the positive role that the exercise of the right to freedom of opinion and expression as well as full respect for the freedom to seek, receive and impart information can play in combating racism, racial discrimination, xenophobia and related intolerance, in line with relevant provisions of international human rights law, instruments, norms and standards;

55. *Calls upon* States to undertake effective media campaigns to enhance the struggle against all manifestations of racism, racial discrimination, xenophobia and related intolerance, inter alia, by disseminating and giving adequate visibility to the Durban Declaration and Programme of Action and its follow-up mechanisms;

56. *Also calls upon* States to take effective, tangible and comprehensive measures to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

57. *Further calls upon* States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, to secure expeditious access to justice, and to provide fair and adequate redress for victims;

58. *Stresses* that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic society, and stresses further the role that right can play in the fight against racism, racial discrimination, xenophobia and related intolerance worldwide;

59. *Invites* Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance;
60. *Urges* States to punish violent, racist and xenophobic activities by groups that are based on neo-Nazi, neo-Fascist and other violent national ideologies;
61. *Reiterates its call* on developed States, the United Nations and its specialized agencies, as well as international financial institutions, to take tangible steps to honour the commitments contained in paragraphs 157, 158 and 159 of the Durban Programme of Action;
62. *Recalls* that slavery and the slave trade, including the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and in that regard welcomes actions undertaken to honour the memory of victims;
63. *Notes* actions of those countries that have, in the context of those past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artefacts since the adoption of the Durban Declaration and Programme of Action, and calls on those that have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so;
64. *Urges* all States to implement General Assembly resolutions 61/19, 62/122 and 63/5 on the transatlantic slave trade;
65. *Urges* States to combat impunity for crimes of genocide in accordance with international law, in particular the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and in that context urges States to cooperate with international criminal tribunals as stipulated in paragraph 82 of the Durban Programme of Action;
66. *Recalls* that the Holocaust must never be forgotten, and in that context urges all Member States to implement General Assembly resolutions 60/7 and 61/255;
67. *Calls upon* States to ensure that any measures taken in the fight against terrorism are implemented in full respect of all human rights, in particular the principle of non-discrimination and in this context urges all Member States to implement relevant provisions of the General Assembly resolutions 60/288 and 62/272;
68. *Expresses its concern* over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;
69. *Resolves* to, as stipulated in article 20 of the International Covenant on Civil and Political Rights, fully and effectively prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and implement article 20 through all necessary legislative, policy and judicial measures;

70. *Urges* States to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular with regard to their practical incorporation in the labour market and in income and employment-generation programmes;

71. *Urges* States to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to and building the capacity of indigenous youth and youth of African descent;

72. *Urges* States to direct special measures, including affirmative or positive measures, and strategies or actions, as well as new investments in health care, public health, education, employment, electricity, drinking water and environmental control, to communities of African descent and indigenous peoples;

73. *Welcomes* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples,³ which has a positive impact on the protection of victims and, in this context, urges States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments, without discrimination;

74. *Welcomes* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and urges States to step up efforts to protect the human rights of all migrants, regardless of their immigration status;

75. *Urges* States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum-seekers and, in that context, encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

76. *Urges* States to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians and law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum-seekers;

77. *Urges* States to adopt a comprehensive and balanced approach to migration, including by strengthening the international dialogue on migration, by developing real partnerships between countries of origin, transit and destination, and by exploring all possible synergies between the management of migration and the promotion of development, while fully taking into account the human rights of migrants;

78. *Renews the call* on all States to review and, if necessary, to revise immigration policies inconsistent with international human rights obligations, with a view to eliminating all discriminatory policies and practices;

³ General Assembly resolution 61/295, annex.

79. *Urges* States that have not yet done so to adopt and enforce legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and calls on States to promptly investigate and punish all abuses, including ill-treatment;

80. *Reiterates* that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;

81. *Urges* States to step up their efforts to combat racism, racial discrimination, xenophobia and related intolerance and to protect the human rights of internally displaced persons, to use comprehensive and rights-based strategies to discharge their obligations, and to provide internally displaced persons with protection, assistance and specialized public care; and further urges States to seek lasting solutions for the internally displaced, which may include their safe return, resettlement or reintegration in dignified conditions and in accordance with their own will;

82. *Affirms* that the existence and the national or ethnic, cultural, religious and linguistic identity of minorities shall be protected, and that the persons belonging to those minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind;

83. *Urges* States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless;

84. *Recognizes* with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and the violence affecting those communities and urges States to take concrete measures to prevent, combat and eradicate those scourges and to provide access to just and effective remedies and special protection to the victims;

85. *Notes with concern* the increased instances of multiple or aggravated forms of discrimination and reiterates that such discrimination affects the enjoyment of human rights and can lead to particular targeting or vulnerability, and urges States to adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address those phenomena;

86. *Expresses concern* at the persistence of discrimination against women and girls on the grounds of race, racial discrimination, xenophobia and related intolerance and stresses the urgent need to combat such discrimination by prioritizing the development of a systematic and consistent approach to identifying, evaluating, monitoring and eliminating

such discrimination against women and girls, in accordance with the Durban Declaration and Programme of Action;

87. *Stresses*, in the context of multiple discrimination, the need to treat all forms of violence against women and violence against children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies, and the importance of providing specialized assistance and rehabilitation to victims, including medical and psychological assistance and effective counselling;

88. *Calls upon* States to review, as a matter of priority, the extent to which they have adopted and implemented policies, programmes and specific measures to incorporate a gender⁴ perspective in all programmes and plans of action to combat racism, racial discrimination, xenophobia and related intolerance and invites States to include an assessment of the effectiveness of such programmes and plans of action in reports to relevant treaty bodies;

89. *Acknowledges* that although all children are vulnerable to violence, some children, because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in that context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;

90. *Recognizes* that victims of slavery, slavery-like practices, contemporary forms of slavery, debt bondage, sexual exploitation or labour exploitation, are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girls often suffer multiple forms of discrimination, victimization and violence; and stresses, in that regard, that contemporary forms and manifestations of slavery need to be investigated by different stakeholders and given greater prominence and priority if those practices are to be eradicated once and for all;

91. *Urges* States to enact and implement legislation, and to devise, enforce and strengthen national, regional and global action plans that integrate a human rights perspective, in particular accounting for gender and age, to combat and eliminate all forms of trafficking in persons, particularly of women and children and other vulnerable groups, taking into account the practices that endanger human lives or lead to various forms of slavery and exploitation, such as debt bondage, child pornography and sexual exploitation and forced labour;

92. *Also urges* States to strengthen bilateral, subregional, regional and international cooperation on trafficking in persons, especially women and children, and to facilitate the work of the Special Rapporteur on trafficking in persons, especially in women and children, and of non-governmental organizations that provide assistance to victims;

93. *Urges* States in which the victimization of trafficked persons occurs to ensure the protection of and assistance to the victims of trafficking, with full respect for their human rights, and to actively promote the rehabilitation of the victims of trafficking by providing

⁴ The footnote in the Durban Declaration and Programme of Action is also relevant for the outcome document of the Durban Review Conference.

them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and helplines, and to facilitate their safe and dignified return to the countries of origin;

94. *Notes* progress in the adoption of policies and programmes to improve the prevention and treatment of HIV/AIDS, especially among populations at higher risk of exposure, and to eradicate multiple discrimination against persons living with and affected by HIV/AIDS, and recommends that States guarantee universal and effective access to all health services, including medications at affordable prices, particularly those required for the prevention, diagnosis and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research on vaccines as appropriate;

95. *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and urges States to effectively address the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination;

96. *Urges* States to consider signing and ratifying or acceding to all the instruments mentioned in paragraph 78 of the Durban Programme of Action;

97. *Also urges* States to consider signing and ratifying or acceding to all human rights instruments adopted after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including:

- (a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- (c) Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

98. *Further urges* States to combat impunity for crimes with racist or xenophobic motivations, including through adopting appropriate legislation, as well as amending, rescinding or nullifying any laws and regulations which create or perpetuate racism, racial discrimination, xenophobia and related intolerance;

99. *Calls upon* States, in accordance with their human rights obligations, to declare illegal and to prohibit all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote national, racial and religious hatred and discrimination in any form, and to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

100. *Urges* States to ensure that everyone within their jurisdiction, including victims of racism, racial discrimination, xenophobia and related intolerance, enjoys access to justice, as well as access to appropriate State institutions and mechanisms in order to seek recognition of wrong-doing and just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counselling,

and draws attention to the need to increase awareness of judicial recourse and other existing legal remedies and for those to be readily and easily accessible;

101. *Calls upon* States to ensure that investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, are carried out in an impartial, timely and exhaustive manner, that those responsible are brought to justice in accordance with the law and that victims receive prompt, just and adequate reparation or satisfaction for any damage;

102. *Also calls upon* States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds, and to prohibit it by law;

103. *Recommends* that States that have not yet done so establish mechanisms to collect, compile, analyse, disseminate and publish reliable and disaggregated statistical data, and undertake all other related measures necessary to regularly assess the situation of all victims of racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action;

104. *Also recommends* that States develop a system of data collection, including equal-opportunity and non-discrimination indicators, that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, and to consider, where appropriate, seeking the assistance of the Office of the United Nations High Commissioner for Human Rights;

105. *Urges* States to establish national programmes that facilitate the access of all to basic social services without discrimination;

106. *Reaffirms* that the eradication of racism, racial discrimination, xenophobia and related intolerance should aim not only at promoting equality and eliminating discrimination but also at promoting interaction, social harmony and integration, tolerance and respect for diversity among ethnic, cultural and religious communities;

107. *Encourages* States to develop national capacity for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders, in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

108. *Encourages* all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding among various cultures and civilizations;

109. *Calls upon* States to implement cultural rights through the promotion of intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;

110. *Urges* States to encourage political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society;

111. *Also urges* States to improve democratic institutions, to increase participation and to avoid the marginalization and exclusion of, and discrimination against, specific sectors of society;

112. *Encourages* parliaments to regularly address the issue of racism, racial discrimination, xenophobia and related intolerance, with a view to consolidating their legislation, including anti-discrimination legislation, and to enhance policies to fight racism, racial discrimination, xenophobia and related intolerance;

113. *Encourages* States to adopt strategies, programmes and policies, inter alia special measures, including affirmative or positive measures, strategies or actions, to enable the victims of racism, racial discrimination, xenophobia and related intolerance to fully realize their civil, cultural, economic, political and social rights, including through improved access to political, judicial and administrative institutions, and to grant them greater opportunity to participate fully in all spheres of life of the societies in which they live;

114. *Urges* all States that have not developed and/or implemented national action plans to combat racism, racial discrimination, xenophobia and related intolerance to elaborate such plans and monitor their implementation in consultation with relevant stakeholders, including in particular national human rights institutions and civil society;

115. *Calls upon* States, when implementing paragraph 90 of the Durban Programme of Action, to ensure that national human rights institutions have focal points on racism, racial discrimination, xenophobia and related intolerance, as well as the capacity to contribute to effective remedies for victims;

116. *Calls upon* States that have not yet done so to establish and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and to promote racial equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness-raising activities;

117. *Requests* all States to protect human rights defenders, in particular those working on racism, racial discrimination, xenophobia and related intolerance, to lift any impediments to their effective functioning which are inconsistent with international human rights standards and norms, and to allow them to work freely for the promotion and protection of human rights;

118. *Invites* States to provide and, where appropriate, to increase funding for civil society organizations, inter alia those working on racism, racial discrimination, xenophobia and related intolerance, to bolster their work against that scourge;

119. *Recognizes* the valuable role played by regional and subregional organizations, institutions and initiatives in the struggle against racism, racial discrimination, xenophobia and related intolerance, including through their complaint mechanisms, and encourages the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent, combat and eradicate those scourges;

120. *Recommends* that States and regional and international organizations establish independent bodies, where they do not already exist, to receive complaints from victims of racism, racial discrimination, xenophobia and related intolerance, inter alia, regarding discrimination in housing, education, health, employment, or access thereto, as well as other human rights;

121. *Commends* media organizations that have elaborated voluntary ethical codes of conduct aimed at, inter alia, meeting the goals defined in paragraph 144 of the Durban Programme of Action, and encourages consultations among media professionals through relevant associations and organizations at the national, regional and international levels, with the assistance of the Office of the United Nations High Commissioner for Human Rights, with a view to exchanging views on that subject and sharing best practices, taking into account the independence of the media and international human rights standards and norms;

122. *Re-emphasizes the importance* of enhancing international cooperation to achieve the goals identified in the Durban Declaration and Programme of Action with a view to combating, preventing and eradicating racism, racial discrimination, xenophobia and related intolerance;

123. *Encourages* States to include in their national reports to the universal periodic review mechanism of the Human Rights Council information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance;

124. *Requests* the Human Rights Council to consider the necessary measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarity in the work of those mechanisms. In that regard, recommends that the Human Rights Council enhance the interface among and focus of follow-up mechanisms, with a view to achieving greater synchronization and coordination at all levels, within their respective mandates, including through restructuring and reorganization of their work if deemed appropriate by the Human Rights Council, and to allow joint discussions and meetings;

125. *Notes* that the Ad Hoc Committee on the Elaboration of International Complementary Standards convened its first session and agreed upon a road map, with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action;

126. *Invites* the Human Rights Council, its special procedures and mechanisms, as well as relevant treaty bodies, within their respective mandates, to take fully into account the Durban Declaration and Programme of Action and the outcome of the Review Conference;

127. *Requests* the Human Rights Council to continue promoting intercultural and inter-religious dialogue, with the enhanced participation of all stakeholders, including at the grass-roots level;

128. *Urges* all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance;

129. *Invites* the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the Durban Review Conference, to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

130. *Invites* the United Nations High Commissioner for Human Rights to further increase awareness of the struggle against racism, racial discrimination, xenophobia and related intolerance, including the awareness of the relevant mechanisms and bodies, through the appropriate activities and programmes of the Office of the United Nations High Commissioner for Human Rights;

131. *Reiterates its call* on the Office of the United Nations High Commissioner for Human Rights to continue its efforts to increase awareness and support for the work of the Committee on the Elimination of Racial Discrimination, as part of the overall endeavour to strengthen the work of the treaty bodies;

132. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue to provide support to the mechanisms of the Human Rights Council to monitor the implementation of the Durban Declaration and Programme of Action;

133. *Requests* the United Nations High Commissioner for Human Rights to continue fully and effectively to implement the mandate given to the Office of the United Nations High Commissioner for Human Rights in the Durban Declaration and Programme of Action;

134. *Takes note* of the proposal of the Office of the United Nations High Commissioner for Human Rights, in cooperation with regional stakeholders in all parts of the world, to organize, in the light of the expert seminar organized by the Office on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights, a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, in order to assess the level of implementation of the prohibition on incitement, as stipulated in article 20 of the International Covenant on Civil and Political Rights, without prejudice to the mandate of the Ad Hoc Committee on Complementary Standards;

135. *Encourages* the Office of the United Nations High Commissioner for Human Rights to intensify its collaboration with international and regional bodies dealing with the fight against racism, racial discrimination, xenophobia and related intolerance;

136. *Welcomes* the proposal of the United Nations High Commissioner for Human Rights to incorporate the implementation of the Durban Declaration and Programme of Action in the human rights mainstreaming of the whole United Nations system and, in that regard, takes note with appreciation of the plan of the High Commissioner to make its implementation a standing item on the agenda of her high-level consultations with United Nations partners, with due regard to her entire mandate, to be followed up at the working level by an inter-agency task force;

137. *Emphasizes the need* for the relevant United Nations bodies and specialized agencies to provide, within the mainstreaming of the implementation of the Durban Declaration and Programme of Action, technical cooperation to enhance its effective implementation, and in that context encourages States to seek assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

138. *Requests* the Secretary-General to provide the Office of the United Nations High Commissioner for Human Rights with adequate necessary resources to continue to implement the Durban Declaration and Programme of Action and to implement the outcome of the Review Conference in full, including by strengthening and enhancing its anti-discrimination unit with a view to, inter alia, increasing national capacity to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance through the provision of technical assistance, upon request;

139. *Encourages* Member States to increase their voluntary contributions to the Office of the United Nations High Commissioner for Human Rights to enhance its capacity to ensure the effective implementation of the Durban Declaration and Programme of Action at the national, regional and international levels;

140. *Calls on* the Office of the United Nations High Commissioner for Human Rights to continue to support States, at their request, in the process of establishing and strengthening national human rights institutions in compliance with the Paris Principles,⁵ and in implementing national plans of action against racism, racial discrimination, xenophobia and related intolerance;

141. *Calls on* Member States to contribute to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

142. *Welcomes* the important role of the United Nations Educational, Scientific and Cultural Organization and encourages it to pursue its work aimed at mobilizing municipal authorities and local governments against racism, racial discrimination, xenophobia and related

⁵ Principles relating to the status of national institutions for the promotion of human rights, General Assembly resolution 48/134, annex.

intolerance, particularly through its International Coalition of Cities against Racism initiative and its integrated strategy to combat racism, racial discrimination, xenophobia and related intolerance;

143. *Calls upon* the United Nations system, in particular the Department of Public Information of the Secretariat, to undertake effective media campaigns to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow-up mechanisms.



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS