



General Assembly

Distr.
GENERAL

A/CONF.211/PC.3/2
17 October 2008

Original: ENGLISH

DURBAN REVIEW CONFERENCE
Preparatory Committee
Second substantive session
Item 5 of the provisional agenda

**REPORT OF THE INTERSESSIONAL OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP TO FOLLOW-UP
THE WORK OF THE PREPARATORY COMMITTEE**

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* Reproduced as submitted in the language of submission only.

C. Attendance

8. The list of attendance is contained in annex II.

D. Documentation

9. For the list of documents issued for the working group, see annex III.

II. IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.2/4 OF 22 APRIL 2008 ENTITLED “ESTABLISHMENT AND DATES OF THE INTERSESSIONAL OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP”

A. First session of the working group

10. At the first meeting of the working group, on 26 May 2008, the Chairperson-Rapporteur made a statement. In the general discussion that followed, statements were made by Egypt, Liechtenstein, Germany, Slovenia, Mexico, Belgium, Senegal, India, Greece, Russian Federation, Bangladesh, China, Pakistan, Ar

Annex II

LIST OF ATTENDANCE

States Members of the United Nations

Afghanistan, Algeria, Argentina, Armenia, Australia

Annex III

LIST OF DOCUMENTS

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/CONF.211/PC/WG.1/1	3	Provisional agenda and annotations
A/CONF.211/ PC/WG.1/2	3	Agenda and annotations
A/CONF.211/ PC/WG.1/5	5	Joint contribution by special procedures mandate-holders

Documents issued in the limited series

A/CONF.211/PC/WG.1/ CRP.1 and Add.1	5	Note by the Secretariat containing a summary of additional contributions by States
A/CONF.211/PC/WG.1/ CRP.2	5	Working document submitted by the Chairperson-Rapporteur

Annex IV

EXPLANATORY MEMORANDUM AND PROPOSALS BY THE CHAIRPERSON-RAPPORTEUR OF THE INTERSESSIONAL OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ADDRESSED TO THE PREPARATORY COMMITTEE

In its decision PC.2/4, the Preparatory Committee decided to establish this intersessional open-ended intergovernmental working group and mandated it “to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee”. The Preparatory Committee also designated me to the post of the Chairperson of this intergovernmental working group.

Below are some details and explanations on how the mandate entrusted to me was implemented as well as the recommendations and proposals which I am addressing to the Preparatory Committee:

1. Following the May session of the intersessional working group (ISWG) and its decision to establish an informal Group of the Friends of the Chair composed of representatives of 25 States, nominated equitably by the five regional groups, I have been working throughout the subsequent months and in close consultations with the Group of the Friends on further review of the contributions submitted by various stakeholders, which were available during the period of work of the ISWG.
2. As a result, and having in mind the mandate of the working group, we attempted to establish a working document in which the contributions received are adjusted to the agreed structure of the outcome document as contained in decision PC.2/8 of the Preparatory Committee and subsequently to bring such contributions closer to a text that could later serve for negotiations. In doing so, we also had in mind the fact that according to decision PC.2/8, the outcome document will consist of a declaratory part and an action-oriented part.
3. We were able to process all such contributions as submitted by various stakeholders into a text appropriate for an outcome document format, specifically covering sections I to IV of the structure of the document. Several versions of this text have been before the Group of Friends, and it was then submitted to the ISWG in September as a working paper by the Chair, entitled “Certain indicative elements in relation to the outcome document”.
4. This document, which is now forwarded to the Preparatory Committee as reproduced below, should not be considered as a negotiated one, though it contains a considerable number of necessary ingredients drawn from the available contributions at the time, which may be chosen to serve as a basis for negotiations.

**CERTAIN INDICATIVE ELEMENTS IN RELATION
TO THE OUTCOME DOCUMENT
(Working paper)**

1. Review of progress and assessment of implementation of the DDPA by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

A. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

- **Language of DPA**

1. The Durban Programme of Action (DPA) urges States to eradicate poverty and end enslavement and contemporary forms of slavery-like practices.

- **Progress and achievements**

2. **Poverty** is a key source of

and frequent denial of rights to lands and resources. Moreover, there are worldwide examples of the exploitation of natural resources by government and private sector entities without adequate acknowledgement of indigenous presence or interests in resources. Furthermore, social exclusion is continually related to manifestations of violence. Indigenous peoples continue to be targets of attacks and abuse, including but not limited to violence against women and children based on racial profiling and ethnic affiliation.

25. Manifestations of racism, discrimination and xenophobia against **migrants** in both the public and the private spheres are still frequent. In many countries, immigrants bear the brunt of racist or xenophobic backlashes. For instance, campaigns conducted in some political quarters and the media in some countries criminalize immigration by making a direct link between immigration and high crime rates. Political rhetoric and information of this nature can promote xenophobic stereotypes and racist sentiment. In addition, despite the international standards designed to offer protection to all individuals, attention should be drawn at the increasing criminalization of irregular migration and the abuses of migrants during all phases of the migration process. This criminalization is linked in many countries to persistent anti-migrant sentiments, which ra

32. Double or multiple forms of discrimination

40.

countries together with activities aimed at encouraging members of national or ethnic, religious and linguistic minorities to participate in the recruitment procedures for law enforcement positions so as to overcome those barriers which might prevent members of minorities from applying or succeeding in police recruitment.

44. The **over-representation of certain racial groups among the prison population and among the persons facing execution** in some countries continues to constitute a concern. Such over-representation can be the result of profiling, racial discrimination in the administration of justice, or of the past or present marginalization of a racial group in the enjoyment of economic and social rights. If there remain concern on this issue, there must also be highlighted that positive measures have been taken by some governments to counteract over-representation of a racial group among the prison population. Finally, concern was expressed on racial inequalities in the imposition of the death sentence.

45. Violations of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief still continue. There remain concern about **religious intolerance and acts of violence against members of certain religious or belief communities**. These include violations of the right of members of religious minorities to worship and carry out other religious activities without State registration or approval, attacks on places of worship, killings, as well as prosecution and conviction on the grounds of religion or belief leading to arbitrary deprivation of liberty. Women, individuals deprived of liberty, asylum seekers, refugees, children, minorities and migrant workers

some countries, parties are gaining increasing access to mainstream politics by dressing up policies, which are essentially based on racist and xenophobic prejudices, in the less controversial and less direct language of cultural difference. Some of these parties are gaining access to government by acting as junior members of governing coalitions together with traditional mainstream parties. The impact these parties are having on the overall political agenda is also alarming, and an increasing number of parties are now resorting to policies that negatively target immigrants, minorities, asylum seekers and refugees.

Education and awareness-raising measures

51. There continue to be flaws relating to human rights education, including on the issue of continued prejudices carried in textbooks.

Information, communication and the media, including new technologies

52. **The role of the media in the fight against racism:** While the media reports on racist incidents in public life, it has to do it in a balanced manner, so as to avoid negative stereotyping of specific groups and avoid contributing to the increase of tensions in inter-community relations. Hence, it should be ensured that in the media racist terms or derogatory stereotypes are not used and that there are no unnecessary references to a person's race, religion or related attributes. Media professionals, as well as the public at large, should be conscious of the potential impact that the ideas they express may have in raising cultural and religious

**D. Provision of effective remedies, recourse, redress, and
compensatory and other measures at all levels**

• **Language of DPA**

54. The DPA urges States to ensure that victims of racism have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek from competent national tribunals and other national institutions just and adequate reparation or satisfaction for damage from acts of racism, as well as legal assistance. States are also urged to ensure the protection against victimization of complainants and witnesses of acts of racism.

• **Progress and achievements**

55. [Legal Assistance]

National legislation and programmes

56. Of those States who responded to the questionnaire concerning the Durban review process, most of them reported on the existence of legal pro

groups have difficulties in understanding their rights and what is at stake in a judicial proceeding. Systems of justice are not prepared to overcome these difficulties.

61. [Remedies, reparations, compensation]

E. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other y,fa65585()-0.7564(h)95585(n)-4

71. The Human Rights Council decided in 2006 to create the **Ad Hoc committee on the elaboration of complementary international standards**, an intergovernmental body whose mandate is to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred.

72. [Decades]

Indigenous Peoples

73. As mentioned above, progress and achievements have taken place with regard to indigenous peoples issues. Both the **Permanent Forum**

87. Since 2001, CERD has established a **new follow up procedure**, requesting States to provide within one year information on the implemen

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

This section intends to give examples of good practices relating to the fight against racism at the institutional, legislative and policy levels. The examples are based on the contributions received in relation to the questionnaire sent out by OHCHR in accordance with decision PC.1/10 adopted on 31 August 2007 by ns

National examples

- Establishing a human rights section within the Directorate of the Internal Police Force (Lebanon)
- Creating an Office for relations with indigenous communities and an Office for relations with afro-descendent communities (Venezuela)

Legislative

General

- Developing comprehensive legal frameworks to combat racism, racial discrimination, xenophobia and related intolerance in all spheres, such as equality or equal treatment acts
- Legislation reforms aimed at strengthening punishments for crimes of racist nature; Devising legislations and policies which are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level, to complement the more general provisions enshrined in national constitutions
-

National examples

- Obligatory teaching on African and Afro-Brazilian history and culture, as well as on indigenous peoples (Brazil)

Policy

General

- Issuing formal apologies to victims of historic injustices as a means of achieving healing and reconciliation as well as devising means for collective compensation. Also commemorating within the UN and beyond the plight of the victims of historic injustices
- Developing affirmative action programmes, including with respect to recruitment for various public/official posts at all levels
- Ensuring public reporting on the implementation of public policies
- Creating funds to support civil society projects to combat racism and racial discrimination, including through training, education and assistance to the victims
- Devising national policies to combat racism, racial discrimination, xenophobia and related intolerance, including through the participatory development of national action plans that should promote cross-sectoral cooperation and coordination
- Promoting increased vigilance by the judiciary of the implementation of existing legal frameworks, including through adequate training
- Investing in education and awareness raising at an early age, including through leisure activities (sport games, youth camps, multicultural festivals) and undertaking a revision of curricula to raise awareness of different cultures and civilizations and in fair and objective perspectives and to promote a culture of human rights and respect for diversity
- Investing in training and education of all public officials
- Disseminating a culture of equality and non-discrimination, including through awareness raising and education at all levels and through the media
- Compiling and developing studies on racial discrimination to generate adequate diagnosis, in close cooperation with civil society and relevant international organizations/agencies
- Developing indicators to measure discrimination, with the assistance of the UN
- Organizing national and regional meetings on issues related to racism, racial discrimination, xenophobia and related intolerance

- Ensuring the possibility of exchanging good practices on a regular basis at the regional level, through meetings or other institutional arrangements
- Conducting broad consultations at the national level, including with civil society, in the implementation of the DPA
- Devising special policies for confronting the ideologies and practices of extreme right wing groups

Regional examples

- From June 2006 to September 2007, the Council of Europe ran a Campaign for Diversity, Human Rights and Participation, based upon the slogan “All Different - All Equal”. Various meetings, events, training courses and symposia were organized, concerning issues related to three pillars of the campaign: diversity, participation and human rights. Among the various events which took place all over Europe, five “thematic” weeks were organized in different European cities in order to raise public awareness and to stimulate reflection on issues closely related to the themes of the campaign.

National examples

- National education campaigns to combat racism
- Manual on teaching of human rights in several languages
- Involving leaders of youth organizations in the elaboration of youth policies
- Anti-racism initiatives in the context of sports events
- Workshops and similar events in educational institutions on the issue of racial discrimination against Roma and Sinti
- Policies of hiring immigrants in public and private spheres
- Establishment of a Roma People’s Fund aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Romani people
- Having relevant projects scrutinized by indigenous peoples
- Panafrican Festival of Cinema and Television (FESPACO) and the international book festival (Burkina Faso)
- Socio-cultural mediators (Portugal)
- Roma Communities Support Cabinet (Portugal)
- “My school against discrimination” (Portugal)

Annex V

**RECOMMENDATION OF THE INTERSESSIONAL OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP WITH REGARD TO THE
ORGANIZATION OF WORK DURING THE SECOND SUBSTANTIVE
SESSION OF THE PREPARATORY COMMITTEE**

With the available results of the work of the intersessional working group which was mandated to review contributions and commence negotiations, the working group recommends that, following the opening of the second substantive session of the Preparatory Committee