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DURBAN REVIEW CONFERENCE

**Annex**

**CONTRIBUTION BY THE EUROPEAN UNION TO THE  
DURBAN REVIEW CONFERENCE**

*Noting* that racism and xenophobia are incompatible with the principles upon which the EU is founded;

*Stressing* that EU institutions have repeatedly rejected and condemned all manifestations of racism and xenophobia;

*Acknowledging* that the EU determinedly pursues a clear policy of fighting these phenomena, both within the Union itself, and in the context of its external action;

*Affirming* that the Durban Declaration and Programme of Action constitutes a solid foundation for the fight against racism, racial discrimination, xenophobia and related intolerance and that the review Conference should focus on the implementation the Durban Declaration and Programme of Action and should not involve any reopening of these texts;

***1. Review of progress and assessment of the 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.***

***(a) Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance***

1. *Reaffirms* the need to reject and condemn all manifestations of racism, racial intolerance, xenophobia and related intolerance in all parts of the world and to combat those manifestations wherever they occur;

2. *Recognizes* that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance

5. *Recognizes* that victims of slavery and slavery-like practices are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the

17. *Recognizes*

28. *Condemns* all forms of racism, racial discrimination, xenophobia and related intolerance, including all forms intolerance based on religion or belief;

29. *Welcomes* measures to address the phenomenon of multiple and aggravated forms of discrimination;

30. *Welcomes* the introduction of specific offences to fight racially and religiously aggravated violence, harassment and criminal damage;

31. *Condemns* all forms of discrimination and all other human rights violations based on sexual orientation;

32. *Expresses deep concern* that all forms of discrimination and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of and women;

33. *Strongly condemns* all acts of violence, whether these acts are perpetrated by the State, private persons or non-State actors, in particular against women and girls;

34. *Calls for* the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women;

35. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities including religious minorities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

36. *Expresses concern* over the persistence of institutionalised social intolerance and discrimination practised against many in the name of religion or belief;

37. *Expresses* its concern at the increase in anti-Semitic ideas and violence in many parts of the world and *urges*

of genocide, condemned without reservation any denial of the Holocaust and urged all member states to reject denial of the Holocaust as a historical event, either in full or in part, or any activities to this end;

41. *Welcomes* the important initiatives to combat anti-Semitism, hate crimes, racism, xenophobia and discrimination as well as intolerance and discrimination against Muslims by the Organisation for Security and Co-operation in Europe, including the 2004 Berlin, Paris and Brussels conferences, the 2007 Cordoba and Bucharest conferences and resultant declarations;

42. *Recognizes* that there have been increasing risks of stereotyping Muslims and other groups and *expresses* its commitment to combat this phenomenon;

43. *Expresses* concern with human rights violations against Christians and members of other religious minorities in various parts of the world;

44. *Emphasizes* the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

**(c) *Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels***

45. *Recognizes* that prevention is a key element of any political strategy to combat racism, racial discrimination and xenophobia;

46. *Welcomes* the efforts deployed to adopt or improve penal or civil legislation in order to fight against racism and discrimination including multiple forms of discrimination, such as on the grounds of sex, religion or belief, disability, age, sexual orientation and gender reassignment;

47. *Stresses* that, as human rights are universal, interdependent, interrelated, and mutually reinforcing, the coexistence of rights does not only imply that a particular right should be seen in a restrictive manner because of the existence of another right;

48. *Stresses* that the right to freedom of expression constitutes one of the essential foundations of a democratic society, as it ensures individual self-fulfilment and a pluralistic, tolerant society with access to multitudes of ideas and philosophies;

49. *Expresses* regret that fight against racial and religious hatred is increasingly being used as pretext legitimising impermissible limitations to freedom of expression;

50. *Condemns* any advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence;

51. *Recognizes* that only a competent, independent and impartial tribunal established by law may determine, case by case, in a fair and public hearing whether the facts presented before it constitute an advocacy of racial or religious hatred prohibited by law;

52. *Recognizes* that sexual orientation and transgender status, and transsexualism, does of sethid



64. *Believes* that human rights education is essential to the rea



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87. *Encourages* Parliaments to consider address the issue of racism and discrimination, for instance by submitting reports containing recommendations for consolidating legislation against discrimination and proposals to enhance policies to fight racism;

**(d) *Provision of effective remedies, recourse, redress and compensatory and other measures at all levels***

88. *Welcomes* the development of new measures which improve the fight against racism and discrimination such as the situation testing in order to investigate the occurrence and extent of discrimination in different occasions;

89. *Welcomes* the adoption of legislation that addresses discrimination and victimisation in employment and training, the provision of goods, facilities and services, education, housing and public functions;

90. *Stresses* the importance of provision for individuals to bring proceedings and claim damages under national anti-discrimination legislation;

91. *Stresses* the need to strengthen the information related to access to mechanisms for reporting complaints or providing assistance during legal proceedings for victims of racism, for instance by developing awareness campaigns or by establishing special complaints boards;

92. *Recognizes* that to combat racism and other forms of discrimination, Governments and law enforcement agencies need reliable information on hate crimes;

93. *Affirms* the importance of effective and independent judiciary for allowing the victims of racism to seek adequate redress;

**(e) *Strategies to achieve full a oh*** ~~icy, 2, 16, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~

97. *Affirms*

107. *Invites* civil society, human rights non-governmental organisations, private sector and trade unions to intensify their efforts to eliminate racism, racial discrimination, xenophobia and related intolerance;

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

108. *Expresses* concern at the recent proliferation of mechanisms linked to racism and discrimination and the potential counterproductive effects of such a proliferation, including:

- Undermining the efficiency of efforts undertaken in the fight against racism and racial discrimination, including the mainstreaming of our efforts in the whole UN system;
- Diminishing the visibility and accessibility of those mechanisms to the outside world, in particular for the victims of racism and racial discrimination;
- Complicating the task of assuring coherence and coordination between all these mechanisms increasing the risk of overlap, duplication and inconsistencies;
- Duplication and overlapping;

114. *Expresses* its support to the Special Rapporteur on contemporary forms of racism and requests him to pursue his efforts to ensure a global and universal approach to the fight against racism and discrimination, avoiding any hierarchy among victims;

115. *Expresses* its full support to the Special Adviser on the prevention of genocide and calls on all States to cooperate fully with him, including by accepting his requests for visits;

116. *Welcomes* the efforts made by the Special Adviser to elaborate indicators for the prevention of genocide in collaboration with CERD and encourages these bodies to pursue their collaboration in this regard;

117. *Stresses* the important role played by other Special procedures in the fight against racism and discrimination, such as the Special Rapporteur on freedom of expression, the Special Rapporteur on freedom of retdom d;

126. *Stresses* the need for implementation of existing standards regarding incitement to racial or religious hatred and violence, and that there is no need for further standards in these

136. *Urges* states that have not yet done so to ratify or accede to the ICERD as a matter of high priority recognizing that this Convention remains the legal basis of the International Community to fight racial discrimination;

137. *Notes* the decision of the CERD to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications from individuals or groups of individuals;

138. *Acknowledges*

- (a) Adopting a comprehensive legal framework to fight racism and all forms of discrimination, including multiple and aggravated forms of discrimination;
- (b) Ensuring access to justice for victims as a means to fight against impunity for racist and xenophobic crimes as well as appropriate remedies;
- (c) Preventing impunity for crimes motivated by racist or xenophobic attitudes. Considering the racist motivation as an aggravated circumstance;
- (d) Stressing that States should promote and ensure democracy, accountable and participatory good governance which is responsive to the needs of the people and the rule of law as an essential element in the fight against racism and discrimination;
- (e) Highlighting the important role to be played by parliaments, not only as a forum to promote debate around the problem of discrimination but also as a key actor in the creation of national legal frameworks in tune with international human rights instruments and fostering the effective implementation of the latter;
- (f) Stressing the freedom of expression as a necessity to counter racism and discrimination, while at the same time avoiding incitement to violence and hatred in accordance with articles 19 and 20 ICCPR;
- (g) Supporting the positive role Media can play in the fight against racism and discrimination;
- (h) Adopting measures to address the issue of hate speech in the Media, including on the Internet;
- (i) Taking effective measures to promote diversity in the work place, including in public services;
- (j) Promoting measures to strengthen the role of education, training and awareness raising measures in the fight against racism and discrimination;
- (k) Promoting mediation measures to fight against racism and discrimination;
- (l) Emphasizing the role of preventive measures against racism and discrimination, also as a means to prevent conflicts and violence, in particular war crimes, crimes against humanity and genocide;
- (m) Supporting the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;
- (n) Ensuring the existence and implementation of measures to counter discrimination against women suffering from racism and racial discrimination and promoting gender mainstreaming;



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156. *Requests* the Office of the High Commissioner to strengthen its early warning procedure to detect signs of ethnic tensions and violence, in collaboration with CERD, the Special Adviser on the prevention of genocide and other parts of the UN;

157. *Requests* States to respect and implement the responsibility to protect in conformity with paragraphs 138-139 of the World Summit Outcome;

158. *Urges* States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of truly independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Paris Principles and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena;

159. *Calls upon* States to consider implementing more widespread and systematic discrimination testing ('situation testing') in order to facilitate a clearer assessment of the magnitude and mechanisms of discrimination in areas such as education, employment, housing and health provision, and to provide evidence with which to supplement official data.

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