

### **Note by the Secretariat**

1. Attached herewith is the compilation of proposals submitted by delegations at the second substantive session of the Preparatory Committee under each of the five sections of the draft outcome document of the Durban Review Conference corresponding to its structure as contained in decision PC.2/8 of the Preparatory Committee. During the discussions held under the co

**Compilation of paragraphs proposed during the 6<sup>th</sup> and 7<sup>th</sup> meetings held on 8 October 2008 (p.m.) and 9 October 2008 (a.m. or subsequently in writing) for use in the drafting process of the outcome document of the Durban Review Conference**

*Paragraphs re-arranged as suggested by the facilitator and reflecting the suggestions from delegations on 13 October 2008 (p.m.) and 14 October 2008 (a.m.)*

**SECTION ONE**

**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**

**Facilitator: Mr. Osita Anaedu (Nigeria)**

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**A. SOURCES, CAUSES, FORMS AND CONTEMPORARY  
MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION,  
XENOPHOBIA AND RELATED INTOLERANCE**

1. [Notes with concern the increase in the incidence of racism while both the old and new manifestations persist.]

2. [Notes also with concern the increase in incidents of defam0.146571(JR8 12 T-)-0.295187( )-0.



20. Urges states to take immediate measures as a matter of priority to end such practices which constitute flagrant violation of human rights;

21. 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 grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel slavery and slavery-like practices;

22. Expresses concern at the manifestations of violence, racism, racial

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47. Condemns all forms of racism, racial discrimination, xenophobia and related intolerance, including all forms intolerance based on religion or belief;
48. Welcomes measures to address the phenomenon of multiple and aggravated forms of discrimination;
49. Double or multiple forms of discrimination is said to increasingly affect some individuals and groups. In this regard, CERD has had numerous occasions to address this issue, in particular on the ground of gender and race and on the ground of race and religion and has for instance reminded that all persons should enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin.\*
50. Welcomes the introduction of specific offences to fight racially and religiously aggravated violence, harassment and criminal damage;
51. Condemns all forms of discrimination and all other human rights violations based on sexual orientation;
52. 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;
53. 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;
54. 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;
55. Expresses concern over the persistence of institutionalised social intolerance and discrimination practised against many in the name of religion or belief;
56. Expresses its concern at the increase in anti-Semitic ideas and violence in many parts of the world and urges States to take appropriate action to end the dissemination of anti-Semitic ideas including through the media, school curricula or by political platforms;
57. Recognizes that there have been increasing risks of stereotyping Muslims and other groups and expresses its commitment to combat this phenomenon;
58. Expresses regret that fight against racial and religious hatred is increasingly being used as pretext legitimising impermissible limitations to freedom of expression;
59. Condemns any advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence;
60. Underlines the challenges and obstacles to changing discriminatory attitudes and gender stereotypes, and stresses that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women;
61. 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;
62. Deplores the numerous occurrences of internal conflicts and inter-ethnic and intra-religious or communal violence, including those that appear to be based on tribal



human rights, and in this regard urge States to consider this phenomenon in formulating of strategies and programmes against racism, racial discrimination, xenophobia and related intolerance;

74. Notes with deep concern the widening use by some groups and organizations of the opportunities provided by print, audio-visual and electronic media as well as scientific and technological progress, such as the Internet, to promote racist and xenophobic propaganda aimed at inciting societies throughout the world to racial hatred and in this connection urge all Governments to take necessary measures against such incitement;

75. Reaffirms that racism, racial discrimination, xenophobia and related intolerance need to be addressed both in times of peace and during armed conflict, and note that States and the international community should be especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;

76. Reiterates that freedom from discrimination on the ground of race is a fundamental principle of international humanitarian law and urge all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law prohibiting

Roma/Gypsies/Sinti/Travellers [and migrants] and emphasize the urgent need to develop effective policies and implementation mechanisms for their full achievement of equality;] {suggested to be moved back to section I. A.}

**{State measures}**

83. [Identifies the need for greater progress in the implementation of measures to facilitate access by victims of racism, racial discrimination, xenophobia and related intolerance to an administration of justice that ensures just and adequate reparation for any damage suffered, together with legal assistance in a form adapted to victims' special needs and vulnerability;] {suggested to be moved to section I. C.}

84. Urges States to discontinue discriminatory security practices that single out individuals or groups on the basis of their race, religion or belief, names and appearance; {suggested to be moved to section I. C.}

85. [Acknowledges that all victims should receive the same attention, the same treatment and the same protection and that there should be no hierarchy among

quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;] {suggested to be moved to section I. C.}

### **{People of African descent}**

90. [Identifies progress in programmes to foster racial equality [in favour of people of African [or Asian] descent], such as affirmative action programmes for access to higher education;] {suggested to be moved to section I. C.}

91. [Calls on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African [or Asian] descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas;] {suggested to be moved to section I. C.}

### **{Indigenous peoples}**

92. ~~Welcomes the adoption of the United Nations Declaration on the rights of indigenous peoples;~~ {suggested for deletion}

93. Recognizes also that indigenous peoples, Africans and people of African descent have been victims of discrimination for centuries and affirms that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and stresses the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance0.147792(a)3.74(n)-0.295585(d)-0.2S2.1703(a)3.74(t)-2.16436(i)-2.16

97. [Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;]

98. Acknowledges the need to make progress in including a gender focus perspective in programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to tackle the phenomenon of multiple and aggravated discrimination against women;

99. [Urges States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the effective instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;]

100. Urges States to promote policies to ensure equal pay for equal work between men and women, together with equal pay for work of equal value;

101. [The DPA recognizes that women can face multiple forms of discrimination and that racism, racial discrimination, and xenophobia and related intolerance do not necessarily affect men and women in the same manner. [Likewise, when reviewing, rationalizing and improving the mandate of the Special Rapporteur on violence against women, its causes and consequences, the Human Rights Council expressed deep concern that all forms of discrimination, including racism, racial of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence against girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation. Violence against women and girls, including sexual violence, motha36(n)33 0 0 cm BT /R2

103. Urges States to improve efforts to promote gender mainstreaming and to fight effectively gender discriminations;

104. Stresses the need to treat all forms of violence against women and children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialised assistance to victims, including medical and psychological assistance, as well as effective counselling;

105. ~~Note~~ Recognizes with concern that instances of racism, racial discrimination, xenophobia and related intolerance lead to ~~trade in and/or~~ sexual exploitation of women and children especially girl child;

112. Emphasizes that States are not only under an obligation to ensure that legislation and policies are non-discriminatory, but that they are also under an obligation to protect migrants from racism, discrimination, xenophobia and related intolerance;

113. [Recommends that further attention be given to the particular problems faced by women and children belonging to immigrant communities;]

114. Renews the call on all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, [including Asians and people of Asian descent];

115. Reaffirms the importance of paragraph 30 of the Durban Programme of Action.

116. Reiterates its request to States to promote human rights of all migrants in conformity with the Universal Declaration of Human Rights and international instruments regardless of migration status.

**{Trafficking} {Suggested to move subsection on “Trafficking” to another section}**

117. [Urges States to pass and implement legislation to combat trafficking in persons, particularly women and children, including people of African or Asian descent, indigenous peoples and other vulnerable groups, together with trafficking in migrants, taking into account the practices that endanger human lives or cause various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation, and urges States to bring into force and strengthen their legislation and national plans to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld and impunity is prevented, along with the protection of victims and the restitution of their rights, and also bolster bilateral, regional and international cooperation, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;]

118. [The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on trafficking in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to Recognizes the need to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and



126. [Deplores the lack of willingness of certain countries to adopt measures to end enslavement and slavery-like practices, including contemporary forms of slavery, debt bondage, slavery, sexual exploitation or labour exploitation, which constitute flagrant violations of human rights;]

127. [Welcomes the actions taken to commemorate the memory of victims of slavery and slave trade, in particular the transatlantic slave trade, and the abolition of those tragedies, [and stresses the need to similarly address the trans Saharan slave trade and the slave trade in the Indian ocean];] {suggested to be moved to section I. D.}

### {Minorities}

128. Urges States to adopt comprehensive measures relating to immigration, asylum and the situation of foreigners and national minorities that are based on their obligations under international law and relevant instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Durban Programme of Action, which attach priority to respect for their rights; {suggested to be moved to subsection on migrants or to section I. C.}

129. Urges States to guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference, and to participate effectively in the cultural, social, economic and political life of the country in which they live, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to;

130. Urges States to take, where applicable, appropriate measures to prevent racial discrimination against persons belonging to national or ethnic, religious and linguistic minorities in respect of employment, health care, housing, social services and education, and in this context forms of multiple discrimination should be taken into account;

131. Affirms that the identity to persons belonging to national or ethnic, religious and linguistic minority must be protected and that such persons should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind, including discrimination based on work and descent;

132. Expresses concern with human rights violations against [Muslims and Christians and] members of [other] religious minorities in various parts of the world;

133. Notes many efforts developed to organise frequent consultation of the representative bodies of persons belonging to minorities;

134. [Alarmed at the intellectual and political resistance to multi-culturalism which is one of the root-causes of the resurgence of racist and xenophobic violence

of racial or national superiority, hatred and distinction as to race, colour, descent, or national or ethnic origin as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance;]

### {Children}

141. The Committee on the Rights of the Child issued general comments on: the rights of children with disabilities; the treatment of unaccompanied and separated children outside the country of origin; HIV/AIDS and the rights of children.

Furthermore, the general comment on general measures of implementation focuses inter alia on non-discrimination. The Secretary-General Study on Violence against Children presented to the GA in 2006 highlighted how, although all children are exposed to violence, some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable. The need to address discrimination in all its manifestations is addressed in the different recommendations contained in the Study. In its dialogue with States parties from all regions, the Committee has identified, and noted with appreciation, the existence of good practices and positive initiatives, including legislation aimed at prohibiting discrimination against children belonging to marginalized groups, including children with disabilities, children infected or affected by HIV/AIDS. 3.74(c)3.74(i)-2.2,(D)1.53192(S)-4.33117(,)-0.146571( )-0.146571(i)-2.16 national, ethnic, religious and linguistic minorities

142. Renews the call on all States to review and, where necessary, revise their immigration policies which are inconsistent with international instruments, with a view to eliminating all discriminatory policies and practices

145. Expresses deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities; {suggested to be moved to subsection on minorities}

146. Expresses its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality on racial, national, ethnic or religious grounds which leads to the deprivation of their basic human rights;

**C. MEASURES OF PREVENTION, EDUCATION AND PROTECTION  
AIMED AT THE ERADICATION OF RACISM, RACIAL  
DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AT  
ALL LEVELS**

**{General}**

147. Stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion, political opinions or those of any other nature, social origin, social and economic status, level of education, status as a migrant or asylum-seeker or refugee, stateless person, internally displaced person, or person living with an infectious or contagious disease or any other stigmatized physical or mental condition, genetic characteristic, physical or mental disability or any other condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments,

**{Practical measures to confront racism}**

148. Emphasizes the importance of developing at the national and international levels an intellectual front and other practical measures to confront racism and, consequently, combating, inter alia, through education, scientific research and information ideas, concepts and images likely to cause incitement to or to legitimize racism, racial discrimination, xenophobia or related intolerance;

**{Ratification}**

152. Urges States to consider ratifying the Convention on the Rights of Persons with Disabilities and acknowledges the importance of the relevant international instruments and the appropriateness of taking those measures required to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;

**{Collection of Disaggregated information}**

153. Recommends that concerned States establish mechanisms through which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the criminal justice system, political participation and representation, as regards people of African descent and migrants, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

154. Notes with appreciation the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues;

155.

158. Believes that human rights education is essential to the realisation of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected;

159. Calls on States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;

160. Calls on States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;

161. Reaffirms that education is the key to the promotion of respect for the racial, ethnic, cultural and linguistic diversity of societies and for promotion and protection of democratic values which are essential to prevent the spread of racism, racial discrimination, xenophobia and related intolerance;

162. Reaffirms also that education is one of the principal means of preventing and eradicating racism and racial discrimination an nns-2.4(1)-2.16558(s)-1.22997(5585(o)-10.3015(r)(n)





based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance; \*

#### **{Development of new measures}**

191. 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;

#### **{Multicultural diversity}**

192. Also urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever possible, affirmative action quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;

193. Invites States, in their national policies, to promote the dialogue of cultures and religions to enhance the respect for the dignity of people of diverse racial origins and beliefs, for the promotion of international peace and security;

194. Reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity through cooperation and

198. Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support

- a. honour the memory of the victims of past tragedies;
- b. apologize and pay reparations; and
- c. restitute art objects, historical artifacts and documents to their countries of origin;

210. Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;

**{Action at national level}**

211. Encourages the development of national capacities for human rights education, training activities and public informati





235.



252. Recommends that States guarantee universal and effective access to

260. Acknowledges that some progress has been made in the programmes and measures to eradicate multiple or aggravated discrimination,[]

261. Notes significant progress in the creation of specialized State bodies and mechanisms responsible for formulating and implementing public policies to eradicate





289. Reaffirms that all human beings are born free and equal in dignity and rights, and that any doctrine of racial superiority is, therefore, scientifically false, morally condemnable, socially unjust and dangerous, and has no justification whatsoever;

290. Condemns past and current policies, practices, propaganda and organizations based on ideas or theories of racial and national superiority, hatred, discrimination and xenophobia, which are massive and flagrant violations of all human rights and fundamental freedoms, comprising civil, political, economic, social and cultural rights and the right to development;

**{Calls upon States}**

291. Invites States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;

292. Calls upon States to develop, in cooperation with multilateral organizations, internet service providers, private sector stakeholders and civil society, and taking into account the principles of multilateralism, democracy and transparency, a coordinated global strategy to formulate a voluntary code of conduct to prevent the dissemination of messages of racial hatred and intolerance;

293. Calls upon States in their reporting to the Human Rights Council to indicate measures taken to quell the elaboration and implementation of racist political programmes and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist ideas or motivations;

294. Urges States to link the fight against racism, racial discrimination, xenophobia and related intolerance with the political and constitutional recognition of, legal respect for and the promotion of multiculturalism through education, information and communication;

295. Urges States, as a matter of priority:

(a) To demonstrate a firm political will to combat the rise in racial discrimination and religious intolerance and to promote mutual respect and understanding of cultural diversity;

(b) To punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments;

(c) To pay special attention to the political use of discrimination and xenophobia, notably tabo p

298. Recalls and urges States to implement UN General Assembly Resolutions 60/7 and 61/255 which observed that remembrance of the Holocaust is critical to prevent further acts 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;

299. Urges States to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society, for instance by accepting electoral support proposals;

300. Stresses the need for the States to elaborate further global strategies to combat racism, racial discrimination, xenophobia and related intolerance, particularly to combat new manifestations of racism, racial discrimination, xenophobia and related intolerance in cooperation with the regional and international organizations, non-governmental organizations, individuals and communities;

301. Emphasizes the need for States to adopt educational and practical strategies, in addition to legal measures, in fighting racism;

302. Encourages Parliaments to consider addressing 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;

303. Stresses that policies towards migration should not be based on discrimination on racism, racial discrimination, xe

Organization, the International Labour Organization, the World Health Organization and others in helping States to enhance their capacity to implement the Durban Programme of Action, and invites the United Nations system and its relevant specialized agencies to exert maximum effort in providing targeted technical assistance and cooperation;

309. Reiterates the importance of the recommendation made by the five independent eminent experts to follow up on the implementation of the Durban Declaration and Programme of Action that a racial equality index be developed as a tool to assess more effectively discrimination that affects people of African descent and other vulnerable groups and to guide the adoption of policies to remedy their situation;

310. Emphasizes the need for the United Nations system and its relevant specialized agencies to provide targeted technical cooperation to enhance the effective implementation of the Durban Programme of Action;

311. Calls for the United Nations human rights mechanisms, as part of the process to reform the human rights system, to establish a template for the production of their reports and questionnaires with a view to avoiding the duplication and overlapping of information, in particular with regard to racism, racial discrimination, xenophobia and related intolerance;

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programmes that have been approved and successfully implemented in the framework of the Barcelona process, including the Anna Lindh Foundation, EuroMed Audiovisual, EuroMed Heritage, the Regional Information and Communication programmes, the EuroMed Youth programme and the EuroMed Gender programme, etc.;

319. Welcomes the decisions to nominate 2008 the "Euro-Mediterranean year of dialogue between cultures" and the "European Year of Intercultural Dialogue";

320. Recognizes the valuable work done to promote dialogue, mutual understanding and respect through all existing mechanisms, such as UNESCO, Council of Europe, OSCE and the Alliance of Civilizations;

**{Dialogue}**

321. Affirms the need to intensify engagement by all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding with a

331.

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;

**{Slavery}**

338. Welcomes the adoption of GA Resolutions 61/19 and 62/122 related to the abolition of the Trans-Atlantic slave trade and remembrance of its victims and, in particular, the designation of 25th March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, beginning in 2008,

339. Affirms that measures to eradicate racism must be multifaceted;

**{Other}**

340. Re-emphasizes the importance of international cooperation to promote (a) the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation of international treaties and instruments that forbid these practices; and (c) the implementation of the United Nations and of States' obligations in this regard;

341. Indicates that the process of globalization is a driving force whose benefits should be distributed equally in all countries, and expressing the resolve to prevent and offset the adverse effects of this process, which can include poverty, underdevelopment and cultural homogenization,

342. Acknowledges the need to allocate additional funds to implement anti discrimination policies and the significance of international cooperation and technical assistance in that area;

343. Stresses the need to assess the current situation and contribute to achieving racial equality, including through the collection and use of disaggregated statistics on various groups, the development of guidelines in that regard and the finalization of the racial equality index;

344.

**DURBAN REVIEW CONFERENCE**  
**Preparatory Committee**



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**General**

**Effectiveness**

1.



d. duplication and overlapping;]

[In view of the results achieved by these various mechanisms and of the level of cooperation of Member States with all these mechanisms, stresses the need to rationalize and streamline all Durban follow-up mechanisms with a view to ensure effectiveness, coherence, visibility and accessibility;]

10. [Emphasizes the need for increased cooperation between the Durban follow-up mechanisms and other bodies or mechanisms working on thematic issues linked to the

and related intolerance as well as mainstreaming the subject of racism throughout the UN system, and ]

g. Ensuring effective participation of civil society and victims of different forms of racism to ensure relevance as well as focused orientation;

12. [Requests the Secretary-General to provide the resources required for the effective discharge of the mandates of the Intergov

19. Recommends also the establishment of regional mechanisms against racism and discrimination, including complaint mechanisms (former para 106);

Former paras 27-50 where moved to chapter “Other Mechanisms”

### **OHCHR/Anti-Discrimination Unit**

20. Encourages the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights to continue working with determination in providing guidance and support to the mechanisms of the Human Rights Council to monitor the implementation of the Durban Declaration and Programme of Action;

21. Calls for the Unit to be elevated to the rank of division and strengthened with the additional resources and staff required to serve better the mechanisms established to monitor and implement the Durban Declaration and Programme of Action and for it to interact effectively with all partners, including civil society, in the global campaign to combat racism;

22. Takes note of the determination of the United Nations High Commissioner for Human Rights, which was welcomed in General Assembly Resolution 61/149, to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make it a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights and urges the Office to translate the intention into reality;

23. Urges the Office of the High Commissioner on Human Rights and States at the national level to continue to ra5(n)-10.3015( )-0.146571(H)1057564(u)-0.295585(m)-2.16558(i)-2.16558(

27. Recognizes that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the his

**A. Intergovernmental Working Group on the Effective Implementation (IGWG) of the DDPA**

34. Bears in mind the need to identify the gaps in the international human rights instruments, particularly in the Convention, that require the adoption of complementary standards, and welcomes the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban

the adverse effects of racism on health, employment, housing, education and the media, and likewise regarding the use of racial profiling, bearing in mind the need for States to reject and prevent all practices drawing on race-based stereotyped profiles;











functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions.

75. Welcomes the extension of the mandate of the Special Rapporteur on trafficking in persons, especially in women and children, by the Human Rights Council at its 8<sup>th</sup> session, recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance as stipulated in the Durban Declaration and Programme of Action.

### **Genocide**

76. Recognizes the important role of the Secretary-General in contributing to prompt consideration of early warning or prevention cases, as mandated by Security Council resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser, who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

77. Reaffirms its full support for the mandate of the Special Adviser of 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;

78. 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;

79.

**DURBAN REVIEW CONFERENCE**

**Preparatory Committee**

**Second Substantive Session**

**Geneva, 6-17 October, 2008**

Compilation of proposal submitted by delegations as of 15 October 2008

**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 CERD**

Facilitator: Ali Onaner (Turkey)

During its 2nd substantive session, at its meeting held on 15 October 2008, the Preparatory Committee for the Durban Review Conference was able to undertake the

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## Ratification

1. [Expresses its commitment to attaining the universal ratification of the Convention in this hemisphere and urges all countries that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention]
  
2. [While the goal of universal ratification of ICERD by 31 December 2005 has not been achieved, the number of States parties to the Convention has gone from 158 to 173 between August 2001 and March 2008]
  
3. [Notes that six countries have signed the ICERD but have not ratified it and that 16 countries have not taken action to adhere to this convention]
  
4. [Regrets that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action and encourages those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible]

**[Although the goal of the ICERD universality by 31 December 2005 has not been achieved, the number of States Parties to it has increased to become 173 by March 2008. The countries which did not accede to the Convention are strongly encouraged to do so in accordance with their commitments to the DDPA]**  
*[suggestion of new language to merge 1 to 4]*

5. [In order to achieve these objectives, it would be important that all member states should ratify the Convention on priority as well as to regularize their reporting obligations. Accordingly, state parties to ICERD should not have any reservations or interpretative statements attached to their instruments of accession, which are incompatible with the object and purpose of the Convention. The OIC also supports DDPA's call for provision of adequate resources for the Committee in order to enable it to discharge its mandate fully and most effectively. This includes provision of technical support by the Committee to the state parties, on request]

**[Stress the support by the OIC to the DDPA, its call for provision of adequate resources for the Committee in order to enable it to discharge its mandate fully and most effectively. This includes provision of technical support by the Committee to the States Parties, on request]**

6. [Stresses the urgent need for universal ratification of the ICERD and the necessity to step up efforts for universal ratification of this instrument]

7. [ 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 [**a legal basis**] [**a principal instrument**] [**a core instrument**] [**the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance**] of the International Community to fight racial discrimination]

8. [Reaffirms that universal accession to the International Convention on the Elimination of All Forms of Racial Discrimination and full compliance therewith are of paramount importance for the prevention of racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination throughout the world]

9. [Encourage all States that are not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider acceding to this

**2. Welcomes the ratification of the Convention by a number of countries since the World Conference Against Racism of 2001, while regretting that the goal of universal ratification by 2005 was not achieved. In this context, renews its call to States that have not yet done to ratify or to accede to the ICERD as a matter of high priority, and to consider making the Declaration envisaged under art. 14. It also urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations]** [*suggestion of new language for 1-9*]

### **Declarations and reservations**

**10.** [Renews its call to States to make the declaration under article 14 of the  
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22. [Calls upon States to disseminate the Durban Declaration and Programme of Action in an appropriate manner and provide the Committee with information on efforts made in that respect under the section of their periodic reports concerning article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination]

23. [Delays in reporting remain a major obstacle to the Committee's work and the effective implementation of the Convention. As at 27 March 2008, 84 out of 173 States parties were late in the submission of two or more reports. As of July 2008, 28 following States parties were at least 10 years late in the submission of their reports, whereas 28 were at least five years late]

24. [Expresses its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation, and strongly appeals to all States Parties to the Convention to comply with their legal obligations under the Convention and the Committee's recommendations]

*[suggestion to add a part of 26 to build such para **[Expresses its concern at the delays in the submission of reports to the Committee on the Elimination of Racial Discrimination, a situation that hinders the Committee's effective operation and hampers its work in monitoring implementation of the Convention]** and then delete 26]*

25. [Expresses serious concern regarding the delays in the submission of reports to the CERD considering that 29 States parties are at least five years late in the submission of their reports and that 17 States parties are at least 10 years late in the submission of their reports]

## **Implementation**

**29.** [Notes with concern the refusal by some parties to cooperate or engage with the Durban Declaration and Programme of Action follow-up mechanisms and the non implementation of their recommendations and lack of

**36.** [Reiterates its request to the Office of the High Commissioner for Human Rights to continue its efforts to increase awareness of the work of the Committee on the Elimination of Racial Discrimination]

**37.** Since 2001, CERD has established a new follow up procedure, requesting States to provide within one year information on the implementation of priority recommendations formulated in its concluding observations. CERD appointed a follow-up coordinator for recommendations made in its concluding observations as well as a rapporteur to follow up on recommendations made in opinions on individual communications. In 2006, the coordinator on follow-up of CERD was invited by one State party to conduct a visit in order to discuss and assess the measures taken in order to follow-up on CERD's recommendations

**38.** Welcomes the early warning and urgent action procedure established by CERD which has not only allowed the Committee to make recommendations to States Parties but as well, through the UN Secretary-General, to the UN Security Council in order to prevent serious violations of the Convention, in particular those that could lead to ethnic conflict and violence

**39.** 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

**40.** Highlights that follow-up visits, together with the follow-up reports submitted for consideration, provide the Coordinator with an optimum overview of the steps taken towards the implementation of the recommendations addressed by the Committee to the State party concerned one year earlier

**41.** [Recommends that the Committee on the Elimination of Racial Discrimination respond adequately in providing technical assistance to States Parties, upon their request, in relation to the interpretation of the scope of the Convention]

**42.** Invites States parties to enhance follow-up to the implementation of the

**43.** International Cooperation and technical assistance plays an important role in helping countries, especially developing countries, in implementing their ICERD commitments and the recommendations of CERD

**44.** Call upon States parties to respect fully and comply with the International Convention on the Elimination of All Forms of Racial Discrimination

#### GENERAL COMMENTS

**[Recommends that the CERD accept petitions from Indigenous and other people from all territories to which General Assembly 1514 (XV) applies and to submit expressions of opinions and recommendations within the scope of its mandate on these petitions to the relevant UN bodies dealing with self-determination]**

[

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48. Stresses that this Convention is sufficient to address contemporary manifestations of racism and discrimination and should thus remain the legal basis of the International Community to fight racial discrimination and the efforts for universal ratification of this instrument should be stepped up;

49. Regrets also that some States have refrained so far from acceding to the Convention on the Protection of All Migrant Workers and their Families and reiterates its appeal to these States to do so as soon as possible;

50. The prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression. [First sentence, par.4, CERD Gen.Rec. 15]

51. CERD has also addressed other forms of double discrimination. While noting that other treaty bodies may have explicit competence to address religious discrimination, CERD has had numerous occasions to address double discrimination on the ground of race and religion and has stressed the ‘intersectionality’ of racial and religious discrimination and recommended that religious discrimination, including that against immigrant religious minorities be likewise prohibited.” Furthermore, it has reminded States that they should “ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.” [para 6, page 10 A/CONF.211/PC.2/5]

52. The Committee also wishes to draw particular attention to the statement adopted during its first session after the 9/11 events (sixtieth session, held in March 2002), “on Racial Discrimination and Measures to Combat Terrorism” in which it emphasized that “measures to combat terrorism ... are to be considered legitimate if they respect the fundamental principles and the universally recognized standards of international law, in particular, international human rights law and international humanitarian law.” It also urged States to ensure that any such measures “do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin” and “insist[ed] that the principle of non-discrimination must be observed in all areas, in particular in matters concerning liberty, security and dignity of the person, equality before tribunals and due process of law, as well as international cooperation in judicial and police matters in these fields.” [para 7, page 10 A/1585( )-0.146571(A)050.295585(n)-0.295

effect which national legislation to combat terrorism has had on the implementation of the Convention, particularly on identity, entry and residence checks of foreigners, the right of asylum and extradition. When examining periodic reports, the Committee has expressed its concern about reported cases of “Islamophobia” following the 11 September attacks. Furthermore, while taking note that the criminal legislation of some States includes offences where religious motives are an aggravating factor, it has regretted that incitement to racially motivated religious hatred is not outlawed. The Committee has recommended that States give early consideration to the extension of the crime of incitement to racial hatred to cover

to the DPA's call for States to consider withdrawing reservations contrary to the object and purpose of ICERD;

58. While welcoming the information provided by some States in their periodic

**Compilation of paragraphs proposed during the 9<sup>th</sup> meeting held on 10 October 2008 (a.m.) for use in the drafting process of the outcome document of the Durban Review Conference**

Section 4:<sup>1</sup>

*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*

Facilitator: Yuri A. Boychenko (Russian Federation)



<b>A. General</b>
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- 1. Recognizes that a broad, global exchange of good practices in combating racism could serve as examples and assist States, the judiciary, social partners and civil society to implement more effectively the provisions of the Durban Declaration and Programme of Action and recommends the following best practices:**
  
- 2. Takes note with interest of the numerous examples of good practices set in the all regions in efforts to combat racism, racial discrimination, xenophobia and related intolerance, with a view to their possible replication, whether domestically or internationally, by means of cooperative and international assistance initiatives; such good practices are set out in an addition to the present outcome document.**
  
3. Identification of best practices in an intergovernmental setting is a difficult task. Different practices are based on different experiences. Results achieved may also vary and could be potentially contentious. Nevertheless, it is important to look closely on different practices and can be emulated by others in the common fight against racism, racial discrimination, xenophobia and related intolerance.
  
4. [At the same time, however, (that) it would be worthwhile to look at the practices, laws and policies which have proved to be counterproductive in the fight against racism and should be avoided by the rest.]
  
5. Most national constitutions and laws provide for a general framework against the racial tendencies, it is important that such frameworks be broadened to take into account specific policies and acts that can address different forms of racial discrimination. There is a need to strengthen different national and regional



[(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;





<b>B. Prevention</b>
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12. [Implementing [**special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them**] programs with a view to promoting equal opportunities and treatment for people of African descent and Indigenous people;]

13. [*Developing and implementing national programs to ensure that individuals pertaining to historically marginalized groups have real access to basic services and rights, inter alia, education at all levels, health, food, social security, housing, sports, culture, sanitation and water.*]

14.

(a) Devising legislation and policies that 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;

(b) Establishing institutions at the national and regional levels to combat racism **and discrimination** and monitor racist **and discriminatory** acts and phenomena;

(c) Conducting broad consultations at the national level in the implementation of the Durban Declaration and Programme of Action;

15. *Calls upon* States to develop social policies, as appropriate, in order to encourage stable and harmonious relationships between different nations, peoples and groups, fostering mutual understanding, solidarity, tolerance and the development of a culture of peace;

16. [*Encourages* States that are not yet parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to consider doing so as a matter of priority in order to promote a more open and fair international environment in which the rights of migrants can be fully ensured and respected;]

17. Preventing impunity for crimes motivated by rac

- (b) Establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, including a capacity to consider complaints.
- (c) Collect, analyse, disseminate and publish reliable ia

<b>C. Combating</b>
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23. Adopting initiatives to eliminate multiple or aggravated discrimination, particularly gender-based discrimination.
- 24.
- (a) Issuing laws on the protection of [particularly vulnerable ethnic groups] and, as required and on a non-selective basis, laws that seek to protect [particular groups that are more susceptible], in certain contexts, to racism;
- (b) Incorporating into domestic law obligations under the International Convention on the Elimination of All Forms of Racism;
- (c) [Elaborating specific laws on combating **defamation and** incitement to racial and religious hatred, in conformity with obligations under article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;]
- (d) Devising special laws and policies for confronting the ideologies and practices of political groups advocating racist pla**

27. [*Reiterates* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries and emphasize the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas:]

[Debt relief; Poverty eradication; Building or strengthening democratic institutions; Promotion of foreign direct investment; Market access; Intensifying efforts to meet the internationally agreed targets for official development assistance transfers to developing countries; New information and communication technologies bridging the digital divide; Agriculture and food security; Transfer of technology; Transparent and accountable governance; Investment in health infrastructure tackling HIV/AIDS, tuberculosis and malaria, including through the Global AIDS and Health Fund; Infrastructure development; Human resource development, including capacity-building; Education, training and cultural development; Mutual legal assistance in the repatriation of illegally obtained and illegally transferred (stashed) funds, in accordance with national and international instruments; Illicit traffic in small arms and light weapons; Restitution of art objects, historical artefacts and documents to their countries of origin, in accordance with bilateral agreements or international instruments; Trafficking in persons, particularly women and children; Facilitation of welcomed return and resettlement of the descendants of enslaved Africans;]

28. [*Reiterates* that the Office of the High Commissioner for Human Rights to create a database containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance, particularly international and regional instruments and national legislation, including anti-discrimination legislation, as well as legal means to combat racial discrimination; remedies available through international mechanisms to victims of racial discrimination, as well as national remedies;]

29. *Invites* States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;

<b>D. Treatment of Victims</b>
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30.

(a) [Elaborating democratic and inclusive processes to overcome centuries-old racism and racial discrimination, including the establishment of national truth and reconciliation committees and schemes aimed at empowering the victims of such discrimination;]

(b) [Issuing formal apologies to victims of colonialism and other historic injustices as a means of achieving healing and reconciliation in societies and

32. [Reiterating the importance of recognising the importance of damages caused

<b>E. Education, awareness-raising and training</b>
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37. **[Calls on States to promote an inclusive pattern of education, which takes into consideration the diversity present in each society, disseminating a culture of equality, tolerance and non-discrimination through awareness raising, education at all levels and media.]**

38. 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

39. **Re-emphasize the importance and necessity of teaching about the past and recent history of colonialism, racism, racial discrimination, xenophobia and related intolerance in order to prevent the recurrence of such policies and practices;**

40.

(a) Establishing institutions with the function of promoting tolerance and intercultural harmony through dialogue;

(b) [Introducing educational curricula aimed at raising awareness of different cultures and civilizations with a fair and objective perspective and with the involvement of the concerned communities;]



44.

- (a) Education and awareness-raising on indigenous cultures, in particular in education curricula
- (b) Promotion of language diversity, including retention of indigenous languages
- (c) Acknowledgement of positive contributions to [race relations] by individuals and organisations.

45. *Welcomes* the adoption of the United Nations Declaration on the rights of indigenous peoples

*[suggestion to move to Section 1];*

**46. Intégrer dans les programmes de formation continue des agents de la fonction publique des modules de sensibilisation portant sur les questions relatives à la discrimination raciale**

47. *Urges States in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the implementation of the Declaration and Programme of Action on a Culture Peace.*



52. National examples

- a. National education campaigns to combat racism [suggestion to move to subsection E]
- b. Manual on teaching of human rights in several languages [suggestion to move to subsection E]
- c. Involving leaders of youth organizations in the elaboration of youth policies
- d. Anti-racism initiatives in the context of sports events
- e. Workshops and similar events in educational institutions on the issue of racial discrimination against Roma and Sinti
- f. Policies of hiring immigrants in public and private spheres
- g.

t.

measures

([www.edi.admin.ch/frb](http://www.edi.admin.ch/frb) ; [www.ekr.admin.ch](http://www.ekr.admin.ch))

- Creation of a national coordination service against Internet criminality, with special attention to fighting right wing extremism and racism in the Internet (<http://www.cybercrime.ch/>)
- Registration of violations of the penal provisions on racial discrimination in criminal statistics ([http://www.bfs.admin.ch/bfs/portal/fr/index/infothek/erhebungen\\_quellen/blank/blank/pk/01.html](http://www.bfs.admin.ch/bfs/portal/fr/index/infothek/erhebungen_quellen/blank/blank/pk/01.html))
- Creation of a database listing and analyzing legal cases and convictions under the penal provision on racial discrimination (<http://www.ekr.admin.ch/dienstleistungen/00169/00172/index.html?lang=fr>)

## **Romania**

### Institutional framework

- A *National Council for Combating Discrimination* was established as a body entitled to receive and examine petitions and complaints of cases of discrimination and to act, as a witness in Court, on behalf of the complainant, in cases of discrimination;
- A *Department for Inter-Ethnic Relations* is in place as a specialized body of the Government in charge of promoting specific programs for ethnic and national minorities in order to enhance good understanding and inter-ethnic dialogue;

- Persons belonging to national and ethnic minorities are guaranteed *equal access to education* in their mother tongue by Constitution; *Resource Centers for Inclusive Education*, are established at local/county/regional levels, in order to encourage the access to education of persons belonging to national or ethnic minorities;
- Partnerships between the *Government and human rights-related civil society organizations* are implemented to enforce preventive anti-discriminatory and to redress effects of past discriminatory behavior;
- *Social Inclusion Programs* and *Partnerships for Roma Support* are implemented with a view promoting income-generating activities, housing and social integration;

## Measures

### *Employment*

- *Employment programs* and *professional counselling on employment issues* are promoted to enhance employment opportunities for persons belonging to Roma minority;
- *Job Fairs* and “*Employment Caravan for the Roma*” are organized to facilitate the employment of persons belonging to Roma minority and to raise their awareness about their rights and services they can benefit from in order to find jobs;

### *Social integration*

- The institution of *mediator* is registered as a new profession in the *National Register of Jobs and Professions* and it covers various fields, such as *education, medical services, social and civic activities* in order to enhance the social integration of persons belonging to Roma minority;
- Police-related projects and partnerships are implemented with a view to further improving the social integration of persons belonging to the Roma community such as *Partnerships between the Police and human rights NGOs*, including *Roma NGOs*; “*Roma and the Police*”, a project in partnership with OSCE/ODIHR Focal Point for Roma and Sinti and Roma NGOs, aimed at reviewing policies and practices towards Roma minority; there is a *Permanent Consultative Committee* for the relationship between the Police and representatives of Roma minority; *employment* of persons belonging to Roma minority in the *Police* is consistently promoted;

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affirmative action, including *reserving a number of seats* in higher education

**55. El Plan Patria Grande, Programa Nacional de Documentación**

**Migratoria, que impulsa, facilita y permite el acceso a la residencia para los/as migrantes. Con este programa el Estado argentino dispuso el presente programa para regularizar la situación migratoria de los extranjeros nativos de los Estados Parte del MERCOSUR y de sus Estados Asociados, en busca de facilitar la tramitación para acceder a una residencia legal en el país. A tal fin, se dispone implementar un nuevo criterio de radicación basado en la acreditación de la nacionalidad de uno de los países de la región y adoptando la buena fe como principio rector del Programa.**

**BARBADOS**

**56. Since the independence of Barbados in 1966 one of the main squares outside of the Barbados parliament had been known as Trafalgar square and was dominated by the statue of Nelson, the English general. A few years ago that square was renamed National Heroes Square and is now defined by a celebration of indigenous national heroes including our only living national hero, Sir Garfield Sobers, the greatest cricketer in the world. Barbados has developed a concerted policy to name and rename national sites, schools, government buildings in Barbados after Barbadians who have contributed economically, socially and politically to the development of the Barbadian society. This recognition of the worth and invaluable contributions of citizens of all colours and backgrounds goes a long way in healing the society and creates the psychological basis and practical platform to allow all Barbadians to move on together.**

**BRASIL**

**57. Mapeo de los terrenos de Candombeé, dentro del programa de valorización del patrimonio afro-brasilero. El programa identificó 1165 terrenos, los cuales constituyen un conjunto propicio para la investigación sobre el origen, estructura, formación y rituales, además de haber**

proporcionado informaciones que favorecen el planeamiento de políticas públicas para las comunidades y la regularización de la tierra.

58. **Ética y ciudadanía – instalación de un Foro Escolar de Ética y Ciudadanía y acción de la comunidad escolar en la red de educación pública con fines de difundir valores que conlleven a la convivencia democrática, a la solidaridad humana, a la integración social y el rol social que desempeñan los estudiantes. Puesto en marcha en 2004, se encuentra vigente en 2.700 escuelas públicas de las 27 Unidades Federativas.**
59. **Programa de Universidad para todos (Prouni) – atribución de becas de estudio, completas o parciales, a estudiantes graduados en las instituciones privadas de enseñanza superior, destinadas a estudiantes de bajos recursos, egresados de la enseñanza media de la red pública. Otorga becas específicamente a indígenas, mestizos o negros y personas de escasos recursos en el mismo porcentaje de su presencia en la población de cada Estado. Se otorgaron 385.000 becas entre los años 2004 y 2008, de las cuales 270.000 fueron becas completas. No menos de 81.287 afrodescendientes y algunas centenas de indígenas fueron beneficiados.**

## CHILE

La concreción de una política cada vez más amplia de restitución de tierras. Entre el 2006 y el 2007, sólo en compra y subsidio de tierras indígenas, se han restituido alrededor de 23 mil hectáreas, beneficiando a un total de 2.200 familias indígenas. En ese sentido, hay que destacar que para el 2008 el Fondo de Tierras y Aguas contara con un presupuesto total de \$23.314.428, de los cuales \$19.555.443 serán sólo para la compra de tierras. La Ley N° 20.249 que crea el espacio costero marino de los pueblos originarios. Esta Ley, fundamental sobre todo para el pueblo lafquenche, fue promulgada el 31 de enero de 2008 y el reglamento está siendo trabajado con los dirigentes indígenas.

**60. Becas indígenas: en los dos últimos años hubo un incremento del 24% en la asignación de becas (el 2006 fueron 36.160 y el 2007, 41.987). Para el año 2008, se contemplan 43.895 becas (18.258 en básica, 18.490 en media y 7.147 en la educación superior), con una inversión de \$8.644.506. Durante el 2007 se beneficiaron un total de 607 estudiantes de educación superior, con un presupuesto asignado de \$382.511.000, que benefició 295.585(1)-0.295.585.881.56(e)3.740.**

**COSTA RICA**

**69. Finalmente, en el 2005 el ICER inició un programa de información con ayuda de profesionales en derecho, respecto a los alcances del proyecto de “Ley de Desarrollo Autónomo de los Pueblos Indígenas”.**

**70. El Colegio de Periodistas de Costa Rica aprobó en junio de 2003 un Código de Ética que establece una serie de principios de comportamiento profesional enmarcado en el respecto a los derechos humanos y evitar la creación de estereotipos. EN su artículo 11 señala que “en el ejercicio de esta profesión se debe evitar cualquier publicación contraria a los valores de la comunidad nacional, sus instituciones democráticas y la moral publica. Consecuentemente, las y los periodistas deben poner especial cuidado en la protección de los derechos de las niñas y los niños, así como respetar la vida privada, el honor, la buena reputación, la imagen y la intimidad familiar de los ciudadanos”. Asimismo, en su artículo 14 se determina que “en sus informaciones, los y las periodistas, no deben crear estereotipos por raza, género, edad, religión, condición social o económica, o impedimento físico, que generen el beneficio, odio o burla social”.**

**71. En el presente periodo de gobierno 2006-2010, el gobierno de Costa Rica formula la Política Nacional para la Igualdad y la Equidad de Género (PIEG), que condensa los compromisos del Estado Costarricense, en los próximos 10 años, a fin de avanzar en la igualdad de oportunidades y derechos de mujeres y hombres.**

**72. La PIEG se sustenta en tres grandes núcleos de acción estratégica: autonomota económica, participación política y cambio cultural, todos pilares fundamentales para mover barreras de desigualdad, que afectan a las mujeres.**

**73. Para determinar los principios de esta estrategia se desarrolló un diagnóstico en materia de igualdad y equidad de género que determinó que**



**ECUADOR**

- 78. Políticas Públicas.- El Gobierno ecuatoriano en el Plan Nacional de Desarrollo 2007-2011 ha creado el componente de desarrollo del pueblo afroecuatoriano y de los pueblos indígenas, el mismo que contará con recursos financieros para la ejecución de políticas en el campo social que propendan a la integración y desarrollo de dichos pueblos.**
- 79. Normatividad.- Expedición de la Ley de Derechos Colectivos del Pueblo Afroecuatoriano en el año 2006, norma que permite la aplicación de los artículos correspondientes de la Constitución Política de 1998 y donde se**

**81. Creación del Comité Nacional contra la Trata de Personas, bajo el Decreto Número 114, publicado en el Diario Oficial No. 224, Tomo 369, de fecha 1 de Diciembre de 2005; el cual fue juramentado el día 6 de Marzo de 2006.**

**83. El Comité esta integrado por las Secretarías e Instituciones siguientes: Ministerio de Relaciones Exteriores, Ministerio de Gobernación, Ministerio de Hacienda, Ministerio de Educación, Ministerio de Trabajo y Previsión Social, Ministerio de Salud Pública y Asistencia Social, Ministerio de Turismo, Secretaría Nacional de la Familia, Policía Nacional Civil, Dirección General de Migración y Extranjería, Instituto Salvadoreño para la Atención Integral de la Niñez y la Adolescencia, Instituto Salvadoreño para el Desarrollo de la Mujer, el cual tiene como objetivo erradicar la trata de personas de manera coordinada, a partir de prevenirlo, atenderlo y combatirlo de una manera permanente e interinstitucional como también aunando esfuerzos a nivel internacional y en tal razón se han llevado a cabo acciones como las siguientes:**

**A nivel internacional**

**84. Con México:**

**Acuerdo entre el Ministerio de Gobernación de la República de El Salvador y la Secretaría de Gobernación de los Estados Unidos Mexicanos para la Repatriación Ordenada, Ágil y Segura de Migrantes Salvadoreños Vía Terrestre desde México.**

**Memorando de entendimiento entre el Gobierno de los**

**El Salvador para la protección de las personas,**

**Elaboración y aprobación del Manual de Procedimientos Salvadoreño para la Repatriación de Niños, Niñas y Adolescentes Víctimas de Trata de Personas, apoyado el proceso por OIM.**

**Elaboración y aprobación de la Política Nacional para la Erradicación de la Trata de Personas en El Salvador, apoyada por CORDAID y CEMUJER.**

**Apoyo en la elaboración del Plan Nacional contra la Trata de Personas.**

**Elaboración y aprobación del Manual de Procedimientos y Función de los Albergues de Víctimas de Trata en El Salvador.**

**Se elaboró el documento denominado “Guía de Coordinación Interinstitucional para la Judicialización de los casos del delito de la Trata de Personas”.**

**88. Creación del Albergue para víctimas de Trata.bepapaaaaaaaaaaaaapaaro paraaelb(d)-4.  
odRep**

**MEXICO**

**89. La Ley Federal para prevenir y Eliminar la Discriminación (LFPED) entró en vigor en 2003 con el propósito de reglamentar el artículo 1 constitucional. La LFPED crea, por primera vez en la historia de México, mecanismos legales para prevenir y eliminar todas las formas de discriminación contra cualquier persona provenientes de servidores públicos o de min**





- **Por el Compromiso del Gobierno de Reconstrucción y Unidad**

- **Se creó un Estatuto de Autonomía Ley 28 que concede atribuciones, jurídicas, políticos, administrativos, económicos, a los Consejos Regionales. Asimismo se creó la Ley 445 que regula el derecho a tierras y territorios a las Regiones Autónomas.**
- **Capacitación de la sociedad civil y representantes de las instituciones gubernamentales, sobre Derechos Humanos, con énfasis en los Derechos de Minorías, para reducir así, la discriminación en nuestro país.**
- **Apoya la creación de la mesa del Comité Preparatorio para la Conferencia de Examen de Durban 2009, la que debe constituirse manteniendo el principio de**

**95. Nicaragua dentro del proceso de sensibilización; a través de la Procuraduría de Derechos Humanos, se promovió la creación de una Comisión Post Durban, la que es de carácter mixta y cuenta con la participación de instituciones estatales, representantes de varios sectores y organizaciones de la sociedad nicaragüense y de cooperación social, tales como: Procuraduría de Derechos Humanos (PPDH), Ministerio de la Familia (MIFAMILIA), Policía Nacional, PNUD, Ministerio de Relaciones Exteriores (MINREX), Centro San Lucas, Parlamento Indígena de América, Universidad Regional Autónoma de la Costa Caribe de Nicaragua (URACCAN), CEDEHCA, y otros.**

**96. Esta comisión tiene como objetivo fundamental la promoción y divulgación nacional de la lucha contra el racismo, la discriminación, la concertación y ejecución de un Plan de Acción, que permita avanzar en el proceso de autonomía de las regiones del atlántico, que incorpore en condiciones dignas de igualdad a los pueblos del pacífico y centro norte, facilitando la construcción de una sociedad verdaderamente equitativa, inclusiva y multiétnica.**

**97. Nicaragua considera, que la política de partici**

- 100. Aprobación de la ley 18104 sobre promoción de la igualdad de oportunidades y derechos entre hombres y mujeres de la República Oriental del Uruguay y la aprobación del primer plan nacional de igualdad de oportunidades y derechos 2007-2011, a través del decreto 184/2007. Asimismo, la aprobación de la ley de Unión concubinario en el corriente año.**
- 101. Integración de personas afrodescendientes a las estructuras del estado a través de la creación de unidades o asesorías en materia de equidad racial en ministerios y municipios, así como la designación de un asesor presidencial en materia de equidad racial.**

**103.**



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28. *Encourages* States to promote at the national level strategies, programmes and policies, including [affirmative action], for the full realization of the civil and

37. [*Calls upon* States to develop social policies, as appropriate, in order to

equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness-raising activities;

### *Migrants*

46. *Underscores* the need to step up efforts to protect the human rights of migrants, whatever their migratory status, together with the importance of upholding the duty of States Parties to the Vienna Convention on Consular Relations to comply with that Convention, including the obligation on States Parties on whose territory foreign nationals are detained to inform them of their right to communicate with their consular officers, which was upheld in the ruling of the International Court of Justice of 31 March 2004 in the case *Avena and Other Mexican Nationals (Mexico v. United States of America)*;
47. *Protecting* the human rights of migrants whether regular or irregular;
48. *Countering* anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;
49. To assess by sector the gap between national labour demand and supply;
50. To promote the conclusion of bilateral and multilateral labour agreements to fill this gap and thus to reduce, with a view to its ultimate elimination, irregular migration to destination States and the practice of human trafficking;
51. *Calls* on States to ensure that law enforcement and immigration officials and personnel conduct their work in a manner in which the respect for the human rights of non-citizens and migrants shall be fully respected;
52. *Stresses* the seriousness of racist and xenophobic behaviour and practices in country entry points and in reception and waiting areas, and urges States not to permit these areas to be turned into areas operating outside the law for non-nationals in general, and, above all, for immigrants and asylum-seekers;
53. *Urges* States, stressing the importance of cooperation between countries of origin, transit and destination to ensure the full protection of the human rights of all migrants and in the light of the increase in migration flows, to devise policies to escort and protect nationals abroad in accordance with the applicable legal arrangements;
54. *Urges* States, bearing in mind migrants' economic and cultural contributions to their destination societies and communities of origin, to formulate and put in place policies and action plans to foster harmony and tolerance between migrants and their host societies with a view to eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance.





the strengthening of social capital and the building of the capacities of indigenous young people and those of African descent;

***Women and Children***

70. *Urges* States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the



xenophobia and related intolerance, as set forth in the World Programme for Human Rights Education, in order to foster respect for and appreciation of differences and opposition to discrimination on the basis of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental condition, and on other bases.

83. *Also urges* States to agree to ensuring access to education, particularly access for all children to free primary education and access for adults to continuous training and education, based on respect for human rights, diversity and tolerance, free of any form of discrimination;

84. *Calls upon* States, where appropriate, to take suitable measures to ensure that persons belonging to national, ethnic, religious and linguistic minorities have access to education free of any form of discrimination and that, whenever possible, they have the opportunity to learn their own language, with a view to protecting them from any form of any racism, racial discrimination, xenophobia and related intolerance of which they could be the target;

85. *Requests* States to include in the curriculum for the training and capacity-building of teachers topics relating to the importance of respect for diversity, including issues of gender, race and ethnic relations, sexual orientation and gender identity;

86. *Notes* the enduring challenge of including the knowledge and history of people of African descent in educational curricula, and celebrates the publication and dissemination of the *Manual* and *Guia de los afro-*



through the media and new technologies of negative images and stereotypes of African people and people of African descent;

- e) Establishing the necessary complementarity and balance between human rights and fundamental freedoms with a view to fighting racism, racial discrimination, xenophobia and related intolerance;

97. *Calls* upon all Member States to continue international efforts to enhance dialogue and broaden understanding amongst civilizations, in an effort to prevent the discriminatory targeting of different religions and cultures;

98. *Invites* States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;

99. *Operationalizing* the recommendation of the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and freedom of religion or belief that the Human Rights Council invite member States to promote and practice dialogue among cultures, civilizations and religions as a profound way of combating racial and religious intolerance. To that end, the following approaches are suggested:

- a) Promotion of reciprocal knowledge among cultures, civilizations and religions, with a particular emphasis on value systems;
- b) Adoption of policies and programmes in the fields of education, social, economic and cultural life favouring interactions among communities;
- c) Recognition of the value of cultural and religious diversity associated with the promotion of unity within society;
- d) Creation of conditions that facilitate encounters, dialogue and joint action for social harmony, peace, human rights and development, and combat all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

100. *Urges* States to take serious steps to address the contemporary forms of racism, racial discrimination, xenophobia and related intolerance and in this context to take firm action against negative stereotyping of religions and defamation of religious personalities, holy books, scriptures and symbols;

### ***Racial profiling***

101. *Prohibiting* by law, and adopting the necessary policy measures to eliminate, racial profiling and profiling based on any grounds of discrimination recognized under international human rights law, providing for sanctions for those who violate the law and ensuring effective redress for their victims;

102. *Calls* on States to ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin as well as on the grounds of

culture, religion and language and that non-citizen

racial or religious hatred and discrimination in any form, and promoting mutual respect and tolerance among all peoples;

111. *Calls upon* States to prevent, through all appropriate means, stereotyping of any ethnic, racial, national, cultural, religious and linguistic group, and encourage objective and balanced portrayals of people, events and history, especially in the media, recognizing the profound influence that such portrayals have on societal perceptions of groups whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance;

***Prosecution of perpetrators of racist acts***

112. *Combating* impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing redress for victims of those violations;
113. *Collecting and analysing* empirical evidence necessary to the prevention and monitoring of racism, racial discrimination, xenophobia and related intolerance;
114. *Urges* States to undertake without delay thoroughgoing, exhaustive and impartial investigations into all acts of racism and racial discrimination, and to prosecute as a matter of course offences of a racist or xenophobic nature, where applicable, or to promote or facilitate relevant legal proceedings with regard to offences of a racist or xenophobic nature, to ensure that high priority

forms of racism and racial discrimination, and for the promotion of equality and non-discrimination throughout the world;

{former para. 14} Expresses its commitment to attaining the universal ratification of the Convention in this hemisphere and urges all countries that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

117. *Invites* States that are not yet Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to consider acceding to and ratifying this instrument, so as to promote respect for the human rights of migrant workers and to create an environment in which discrimination can be eradicated and lead to the full social integration of this group;

118. *Encourages* States that are not yet parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to consider doing so as a matter of priority in order to promote a more open and fair international environment in which the rights of migrants can be fully ensured and respected;

119. *Urges* States to consider ratifying the Convention on the Rights of Persons with Disabilities and acknowledges the importance of the relevant international instruments and the appropriateness of taking those measures required to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;

### ***Implementation***

120. *Emphasizes* the need to guarantee the promotion and protection of the rights of the victims of racism, racial discrimination and xenophobia through the effective implementation of the DDPA as well as the agreed recommendations of its follow up mechanisms and suggest some of the ways which could help strengthen the follow up mechanisms as follows:

### ***Civil Society***

121. *Invites* States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bol

discrimination and to promote and protect the rights of workers who are victims of racism, racial discrimination, xenophobia and related intolerance;

**(b) Regional /International Level:**

124. *Stresses* the need to have a comprehensive and universal approach of racism and discrimination in all parts of the world;
125. *Invites* the Economic Commission for Latin America and the Caribbean to consider establishing, as part of its mandate, a unit specializing in diversity and non-discrimination to work with States that so

133. *Resolves* to extend international cooperation to maximize the benefits of globalization with a view to the realization of economic, social and cultural rights and the right to development as a major contribution to the fight against racism, racial discrimination, xenophobia and related intolerance;
134. *Sharing* best practices in the elimination of all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;
135. *Urges* States, regional and international organizations and civil society to continue promoting respect for multiracial, multicultural, and multi-ethnic aspects of societies and to spread human rights awareness, with a view to combating all forms of racism, racial discrimination, xenophobia and related intolerance;
136. *Urges* States to improve governmental and inter-institutional coordination mechanisms between countries of the region in efforts to combat all forms of discrimination and to strengthen cooperation thereo

141.

147. *Stresses* the importance of the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to elaborate a basic document to fill the gaps in the existing international treaties about the elimination of a.o.f.i.