

**Draft outcome document**  
**As at 15 April 2009 at 9:00 am**  
**As amended by the Chair**

**SECTION 1:**

**Review of progress and assessment of implementation of the Durban Declaration and**



### **C. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels**

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

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

25. Welcomes the adoption of legislation, at the national and regional levels, to address discrimination and victimization, **as defined in the DDPA**, in employment and training, the provision of goods, facilities and services, education, housing and public functions;



### SECTION 3:

#### **Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination (CERD)**

##### **General**

32. Reaffirms that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
33. Affirms that full implementation of the Convention is fundamental for the fight against racism and racial discrimination **worldwide**;
34. **Takes note of** the interpretation given by the Committee on the Elimination of Racial Discrimination to the definition of the concept of racial discrimination as contained in the Convention, so as to address multiple or aggravated forms of discrimination;

##### **Ratification**

35. Welcomes the ratification of the ICERD by a number of countries since the 2001 World Conference, while regretting that the goal of universal ratification by 2005 was not achieved; **[adopted ad ref]**
36. Renews in this context its call to States that have not yet done so to **consider ratifying** or **acceding** to the Convention as a matter of high priority;
37. Reiterates its call to States parties to the Convention to consider making the declaration under its article 14 to enable victims to resort to the envisaged remedy, and requests States parties that made the declaration under article 14 to increase awareness of this procedure so as to fully exploit its potential; **[adopted ad ref]**
38. Urges States parties to the Convention to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

##### **Reportingnation Ued;**

41. Acknowledges that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant civil society actors, conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the Convention, and in this context encourages States parties to engage with national human rights institutions and civil society while preparing their periodic reports and their follow-up; **[adopted ad ref]**
42. Encourages non-governmental organizations to continue to provide the Committee with relevant information for the reporting process; **[adopted ad ref]**

### **Implementation**

43. Notes with appreciation the early warning and urgent action procedure, as well as the follow-up procedure established by the CERD, which, applied in cooperation with States concerned, can play a conducive role for a proper implementation of the Convention; **[adopted ad ref]**
44. Emphasizes the importance of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the Committee; **[adopted ad ref]**
45. Emphasizes, while in the early stages of the implementation of the Convention, the Convention's Tdyoli



57. Stresses that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic society **and stresses further the role these rights can play in fight against racism, racial discrimination, xenophobia and related intolerance worldwide;**
58. Invites Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**
59. Urges States to punish violent,



of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence **and implement it** through all necessary legislative, policy and judicial measures;

69. Urges States to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular their practical incorporation into the labour market and in income and employment-generation programmes; **[adopted ad ref]**
70. Urges States to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to, and building the capacity of indigenous youth and youth of African descent; **[adopted ad ref]**
71. Urges States to direct their **special measures, including** affirmative or positive **measures, and strategies or** actions, as well as new investments in health care, public health, educa1 (r )nd

77. Renews the call on all States to review and, if necessary, to revise immigration policies inconsistent with international human rights obligations, with a view to eliminating all discriminatory policies and practices;
78. Urges States that have not yet done so to adopt and enforce legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and calls on States to promptly investigate and punish all abuses, including ill-treatment; **[adopted ad ref]**
79. Reiterates that the national, regional and interna

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

actively promote the rehabilitation

100. Calls on States to ensure that investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, are carried out in an impartial, timely and exhaustive manner, that those responsible are brought to justice in accordance with the law, and that victims receive prompt, just and adequate reparation or satisfaction for any damage; **[adopted ad ref]**
101. Calls upon States **not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic, and religious grounds and prohibit it** by law;
102. Recommends that States that have not yet done so establish mechanisms to collect, compile, analyze, disseminate and publish reliable and disaggregated statistical data, and undertake all other related measures necessary to regularly assess the situation of **all** victims of racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action;
103. **Recommends** States to develop a system of data collection, including equal-opportunity and non-discrimination indicators that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, **and to consider, where appropriate, seeking the assistance of OHCHR;**
104. Urges States to establish national programmes that facilitate the access of all to basic social services without discrimination; **[adopted ad ref]**
105. Reaffirms that the eradication of racism, racial discrimination, xenophobia and related intolerance should aim not only at promoting equality and eliminating discrimination but also at promoting interaction, social harmony and integration, respect for tolerance and diversity among ethnic, cultural and religious communities; **[adopted ad ref]**
106. Encourages States to develop national capacity for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education; **[adopted ad ref]**
107. Encourages all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding among various cultures and civilizations; **[adopted ad ref]**
108. Calls upon States to implement cultural rights through the promotion of intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels; **[adopted ad ref]**
109. Urges States to encourage political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system, to ensure

that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society; **[adopted ad ref]**

110. Urges States to improve democratic institutions, to increase participation, and to avoid marginalization, exclusion of and discrimination against specific sectors of society; **[adopted ad ref]**
111. Encourages Parliaments to regularly address the issue of racism, racial discrimination, xenophobia and related intolerance, with a view to consolidating their legislation, including anti-discrimination legislation, and to enhance policies to fight racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**
112. Encourages States to adopt strategies, programmes and policies, including, inter alia, **special measures, including affirmative or positive measures**, strategies or **actions**, to enable the victims of racism, racial discrimination, xenophobia and related intolerance to fully realize their civil, cultural, economic, political, and social rights, including through improved access to political, judicial and administrative institutions, and to grant them greater opportunity to participate fully in all spheres of life of the societies in which they live;
113. Urges all States that have not developed and/or implemented national action plans to combat racism, racial discrimination, xenophobia and related intolerance to elaborate such plans and monitor their implementation in consultation with relevant stakeholders, including in particular national human rights institutions and civil society; **[adopted ad ref]**
114. Calls on States, when implementing paragraph 90 of the DDPA, to ensure that national human rights institutions have focal points on racism, racial discrimination, xenophobia and related intolerance, as well as the capacity to contribute to effective remedies to victims; **[adopted ad ref]**
115. Calls on States that have not yet done so to establish and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and to promote racial equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness-raising activities; **[adopted ad ref]**
116. Requests all States to protect human rights defenders, in particular those working on racism, racial discrimination, xenophobia and related intolerance, to lift any impediments to their effective functioning which are inconsistent with international human rights standards and norms, and to allow them to work freely for the promotion and protection of human rights;

intolerance, including through their complaint mechanisms, and encourages the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent,

126. Request the Human Rights Council to continue promoting intercultural and interreligious dialogue with enhanced participation of all stakeholders, including from the grass-roots level; **[adopted ad ref]**
127. Urges all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**
128. Invites the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the High Comm



implementation of the Durban Declaration and Programme of Action in the **human rights** mainstreaming **in the whole UN system** and, in this regard, takes note with appreciation of the **plan** of the High Commissioner to make its implementation a standing agenda item in her high-level consultations with United Nations partners **with due regard to her entire mandate**, to be