

Draft outcome document (Rev. 2)

SECTION 1:

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

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

9. Reaffirms the responsibility of Governments

10.

SECTION 2:

its mandate fully;

SECTION 4:

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

48. Takes note with interest of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including, inter alia, institutions, provisions and legislation to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
49. Recognizes that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the DDPA, when considered appropriate to adapt or replicate best practices, including international cooperation;
50. Recommends that examples of best practices provided for by Governments, regional and international organizations and other stakeholders be placed on the website of the OHCHR and linked to the section on the outcome of Durban Review Conference, with a view to their adaptation and replication,

provisions of international human rights law, instruments, norms and standards;

55. Calls on States to undertake effective media campaigns to enhance the struggle against all manifestations of racism, racial discrimination, xenophobia and related intolerance, *inter alia*, by disseminating and giving adequate visibility to the DDPA and its follow-up mechanisms;
56. Calls on States to take effective, tangible and comprehensive measures to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;
57. Calls on States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, to secure expeditious access to justice, and to provide fair and adequate redress for victims;
58. Stresses that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic society and stresses further the role these rights can play in the fight against racism, racial discrimination, xenophobia and related intolerance worldwide;
59. Invites Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance;
60. Urges States to punish violent, racist and xenophobic activities by groups that are based on neo-Nazi, neo-Fascist and other violent national ideologies;
61. Reiterates its call on developed States, the United Nations and its specialized agencies, as well as international financial institutions, to take tangible steps to honour the commitments contained in paragraphs 157, 158 and 159 of the Durban Declaration and Programme of Action;
62. Recalls that slavery and the slave trade, including the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and in this regard welcomes actions undertaken to honour the memory of victims;
63. Notes actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artifacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so;
64. Urges all States to implement General Assembly resolutions 61/19, 62/122 and 63/5 on the transatlantic slave trade;
65. Urges States to combat impunity for crimes of genocide in accordance with international law, in particular the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and in this context urges States to cooperate with international criminal tribunals as stipulated in paragraph 82 of the DDPA;

66. Recalls that the Holocaust must never be forgotten, and in this context urges all Member States to implement General Assembly resolutions 60/7 and 61/255;
67. Calls upon States to ensure that any measures taken in the fight against terrorism are implemented in full respect of all human rights, in particular the principle of non-discrimination and in this context urges all Member-States to implement relevant provisions of the General Assembly resolutions 60/288 and 62/272;
68. Expresses its concern over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;
69. Resolves to, as stipulated in art. 20 of the ICCPR, fully and effectively prohibit any advocacy 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;

84. Recognizes with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and the violence affecting these communities and urges States to take concrete measures to prevent, combat and eradicate these scourges and to provide access to just and effective remedies and special protection to the victims;
85. Notes with concern the increased instances of multiple or aggravated forms of discrimination and reiterates that such discrimination affects the enjoyment of human rights and can lead to particular targeting or vulnerability and urges States to adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena;
86. Expresses concern at the persistence of discrimination against women and girls on the grounds of race, racial discrimination, xenophobia and related intolerance and stresses the urgent need to combat such discrimination by prioritizing the development of a systematic and consistent approach to identifying, evaluating, monitoring and eliminating such discrimination against women and girls, in accordance with the DDPA;
87. Stresses, in the context of multiple discrimination, the need to treat all forms of violence against women and violence against children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies, and the importance of providing specialized assistance and rehabilitation to victims, including medical and psychological assistance and effective counseling;
88. Calls upon States to review, as a matter of priority, the extent to which they have adopted and implemented policies, programmes and specific measures to incorporate a gender¹ perspective in all programmes and plans of action to combat racism, racial discrimination, xenophobia and related intolerance and invites States to include an assessment of the effectiveness of such programmes and plans of action in reports to relevant treaty bodies;
89. Acknowledges that although all children are vulnerable to violence, some children, because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;
90. Recognizes that victims of slavery, slavery-like practices, contemporary forms of slavery, debt bondage, sexual exploitation or labour exploitation, are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girls often suffer multiple forms of discrimination, victimization, and violence; and stresses, in this regard, that contemporary forms and manifestations of slavery need to be investigated by different stakeholders and given greater prominence and priority if these practices are to be eradicated once and for all;
91. Urges States to enact and implement legislation, and to devise, enforce, and strengthen national, regional and global action plans that integrate a human rights perspective, in particular accounting for gender and age, to combat and eliminate all forms of trafficking in persons,

¹ The footnote in the Durban Declaration and Programme of Action is also relevant for the outcome document of the Durban Review Conference.

particularly of women and children and other vulnerable groups, taking into account the practices that endanger human lives or lead to various forms of slavery and exploitation, such as debt bondage, child pornography and sexual exploitation and forced labour;

92. Urges States to strengthen bilateral, sub-regional, regional and international cooperation on trafficking in persons, especially women and children, and to facilitate the work of the Special Rapporteur on trafficking in persons, especially in women and children, and of non-governmental organizations that provide assistance to victims;
93. Urges States in which the victimization of trafficked persons occurs to ensure the protection of

designed to eradicate all incitement to, or acts of, such discrimination;

100. Urges States to ensure that everyone within their jurisdiction, including victims of racism, racial discrimination, xenophobia and related intolerance enjoys access to justice, as well as access to appropriate State institutions and mechanisms in order to seek recognition of wrong-doing and just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counseling and draws attention to the need to increase awareness of judicial recourse and other existing legal remedies and for these to be readily and easily accessible;
101. 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;
102. Calls upon States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds and prohibit it by law;
103. 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;
104. 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;
105. Urges States to establish national programmes that facilitate the access of all to basic social services without discrimination;
106. Reaffirms that the eradication of racism, racial discrimination, xenophobia and related intolerance should aim not only at promoting equality and eliminating discrimination but also at promoting interaction, social harmony and integration, respect for tolerance and diversity among ethnic, cultural and religious communities;
107. Encourages States to develop national capacity for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;
108. Encourages all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and

related intolerance and enhancing mutual understanding among various cultures and civilizations;

109. Calls upon States to implement cultural rights through the promotion of intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels;
110. Urges States to encourage political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society;
111. Urges States to improve democratic institutions, to increase participation, and to avoid marginalization, exclusion of and discrimination against specific se

118. Invites States to provide and, where appropriate, to increase funding for civil society organizations, inter alia those working on racism, racial discrimination, xenophobia and related intolerance, to bolster their work against this scourge;
119. Recognizes the valuable role played by regional and sub-regional organizations, institutions and initiatives in the struggle against racism, racial discrimination, xenophobia and related intolerance, including through their complaint mechanisms, and encourages the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent, combat and eradicate these scourges;
120. Recommends that States, regional and international organizations establish independent bodies, where they do not already exist, to receive complaints from victims of racism, racial discrimination, xenophobia and related intolerance, inter alia, regarding discrimination in housing, education, health, employment, or access hereto, as well as other human rights;
121. Commends media organizations that have elaborated voluntary ethical codes of conduct aimed at, inter alia, meeting the goals defined in paragraph 144 of the Durban Programme of Action, and encourages consultations among media professionals through relevant associations and organizations at the national, regional and international levels, with the assistance of OHCHR, with a view to exchanging views on this subject and sharing best practices, taking into account the independence of the media and international human rights standards and norms;
122. Re-emphasizes the importance of enhancing international cooperation to achieve the goals identified in the DDPA with a view to combating, preventing and eradicating racism, racial discrimination, xenophobia and related intolerance;
123. Encourages States to include in their national reports to the universal periodic review mechanism of the Human Rights Council information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance;
124. Requests the Human Rights Council to consider the necessary measures to enhance the effectiveness of the follow up mechanisms to the DDPA and to ensure better synergy and complementarities in the work of these mechanisms. In this regard, recommends that the Human Rights Council enhance the interface among and focus of follow up mechanisms with a view to achieve greater synchronization and coordination at all levels, within their respective mandates, including through restructuring and reorganization of their work if deemed appropriate by the Human Rights Council, and to allow joint discussions and meetings;
125. Takes note that the Ad Hoc Committee on the Elaboration of International Complementary Standards convened its first session and agreed upon a road map, with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action;
126. Invites the Human Rights Council, its special procedures and mechanisms, as well as relevant treaty bodies, within their respective mandates, to take fully into account the Durban Declaration and Programme of Action and the outcome of the Review Conference;
127. Request the Human Rights Council to continue promoting intercultural and interreligious

dialogue with enhanced participation of all stakeholders, including from the grass-roots level;

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

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

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

131.

