

20 February 2009

Revised version of the technically reviewed text (A/CONF.211/PC/WG.2/CRP.2)
submitted by the Chairperson-Rapporteur of the intersessional open-ended working group
mandated to continue and finalize the process of negotiations on and drafting of the
outcome document¹

Note by the Secretariat:

Only highlighted provisions were adopted ad referendum. Text that is not highlighted remains to be negotiated. This includes bracketed text which was subject to a request for deletion and bold text in brackets which was introduced by a delegation of a Member State. The remainder of the text was not part of the first reading due to time constraints.

¹ Reflecting the status of negotiations in the working group as at 6.00 pm, Thursday, 19 February 2009.

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

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

(General provisions on DDPA, human rights, human dignity, cultural diversity, multiculturalism, sources, causes, forms, manifestations, political will, obstacles)

NEW PARA: 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; **[Adopted ad ref.]**

1. **[Emphasizes]** the need to **[identify/address all forms and]** [eradicate all] manifestations of racism, racial discrimination, xenophobia and related intolerance [in all parts of the world] **[as identified in the DDPA, including contemporary manifestations]**, especially in light of developments and challenges that have occurred since the adoption of the DDPA **[with a view to prevent,]** and to combat **[and eradicate]** those manifestations wherever they occur;
2. **[Emphasizes]** [Notes] that the DDPA **[constitutes a solid foundation for]** [is an important milestone in] the collective struggle of mankind against racism, racial discrimination, xenophobia and related intolerance. **[Since its adoption]** [As a result of the collective resolve expressed by the UN family in 2001 in Durban], a number of countries have taken **[substantial]** steps to incorporate and implement the DDPA in their national policy framework. **[While]** others have worked to streamline their policies in accordance with the DDPA, **[there [are still many] remain areas where achievements have not been gained or further improvements have to be attained]** [All these steps and efforts indicate progress in many cases;]
ALT: Others have worked to streamline their policies in accordance with the DDPA. All these steps and efforts indicate progress in many cases. **[Nevertheless it is troubling that there are still many where achievements have not been gained or further improvements have to be attained];**
3. [Affirms that the **[effective implementation of the DDPA can contribute to combating racist and xenophobic trends]** [failure to fully implement the DDPA **[has contributed to]** [would result in] the intensification of worrying racist and xenophobic trends,] including the political instrumentalization and intellectual legitimization of racism as well as racist violence;]

4. Notes the continued existence of racism, racial discrimination, xenophobia and related intolerance, and inequality in all spheres of human life, and non compliance with specific obligations in the promotion and protection of equality at the national, regional and international levels and reaffirms the obligation of States to take action in this respect; **[Adopted ad ref.]**
5. [Notes that other obstacles hampering progress in the collective struggle against racism and racial discrimination include **[first and foremost the absence of political will, the denial of the existence of contemporary racist tendencies,]** weak **[national]** legislation and policies, lack of effective strategies, **[lack of political will,]** lack of implementation of international legal framework and commitments, impunity on different grounds [– including **[[negative] abuse of]** freedom of expression, [counter-terrorism, and national security] **[stereotypical association of religion with terrorism and violence by the media and national security forces]**– as well as an increase in extreme right wing xenophobic political platforms. Hence the need **[arises]** to deal with this menace in all its forms and manifestations with all available tools at our disposal];
6. **Underlines that racial discrimination condoned by governmental and state agencies, policies and practices violates human rights and may endanger friendly relations between peoples, cooperation among nations, and international peace and security; [Adopted ad ref.]**
7. Confirms that **[recognition of and full]** respect for cultural diversity **[and multiculturalism]** [is an important tool to combat racial discrimination] **[contributes to combating racial discrimination]** **[Stresses that the respect for cultural diversity is a fundamental principle to combat racial discrimination.]** **[while bearing in mind the significance of national and regional particularities, as well as social, cultural and religious backgrounds, it is reiterated that they may not be invoked to disregard [internationally accepted] [international human rights law] [human rights and fundamental freedoms]** [while reiterating that cultural particularities cannot be invoked to [derogate] **[disregard]** [from] international human rights law];
8. [Alarmed at the intellectual and political **[opposition]** [resistance] to **[cultural diversity,]** multiculturalism, which is one of the root-causes of the resurgence of racist and xenophobic violence, reiterates that rejection of diversity has led to the negation of the very humanity of the immigrant, foreigner and other racial and religious minorities;]

ALT: Reiterates that the rejection of diversity is one of the root causes of the resurgence of racist and xenophobic violence;

(Racist theories, ideologies, doctrines, incitement to racial hatred, nationalist ideologies, national preference theories)

NEW PARA: Reaffirms that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free, 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; **[Adopted ad ref.]**

9. Notes **[with concern the continued existence/persistence of]** [that] racist theories and ideologies of **[racial]** [national] superiority **[which [are linked to]]** [can find their roots] inter alia in the [failure to implement the DDPA], lack of proper education, abuse of information technology, and absence of affirmative action in favour of vulnerable groups **[and failure to comprehensively implement the DDPA];**
10. **[[Expresses concern]** [Notes] that one of the principal reasons fomenting the tide of racism is the **[lack of understanding of the history and cultures of different peoples,]** [growing increase in the right wing extremist political discourse, including in [some of the most] liberal and pluralistic societies. This trend has led to the deepening of the racist tendencies [in those societies] through propaganda against immigrants and promotion of cultural and religious superiority doctrines **[and] [impunity]** [Immunity] granted to such acts has led to denial of basic human rights to the affected communities including their right to freely practice and preserve their religious and cultural identities;]
11. **[Expresses]** [Notes with] deep concern **[at]** 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 **[and religious]** hatred;
12. Resolutely condemns **[all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination in any form and calls upon States in accordance with their obligations under human rights law to adopt immediate and positive measures designed to eradicate all incitement to or acts of such discrimination]** [any ideologies and practices based on racial discrimination or superiority which entail abuse of human rights and fundamental freedoms, and affirms that all States have the obligation to take all available measures to combat ideologies, activities and practices based on racial discrimination or superiority];

(Racist crimes, hate crimes, urban violence)

13. Reaffirms the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State; **[Adopted ad ref.]**

NEW PARA: Regrets that urban violence affects migrants and other minorities who could be victims of neo-Nazi groups and other violent groups; **[To be discussed]**

(Poverty and racism)

14. Considers that poverty and social exclusion affecting certain sectors of society [**may contribute to the occurrences of various forms of [racial]** discrimination [**which in turn contribute to the persistence of racist attitudes and practices and generate more poverty**] [are cross-cutting themes relating to the various forms of discrimination];

ALT: Reiterates that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty [**and are cross-cutting themes relating to the various forms of discrimination**];

ALT 2: Regretting that commitments made in paragraphs 157 and 158 of the DDPA remain unfulfilled;

(Armed conflict, ethnic, tribal violence, war crimes, crimes against humanity, genocide)

NEW PARA: 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];

15. [Deplores the numerous occurrences of [**armed**] [internal] [**and international**] conflicts and inter-ethnic and intra-religious or communal violence, including those that appear to be based on tribal lines, which have lead to casualties and killings, torture, massive displacement, rape and destruction of property and infrastructures, war crimes, crimes against humanity and genocide;]
16. Emphasizes that the multiple factors of a situation that might lead to genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, include the resurgence of systematic discrimination, the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, [**especially in the context of serious and systematic violation of human rights**] [especially if they are uttered in the context of an actual or potential outbreak of violence, and serious and systematic violation of human rights] [**and requests States to respect and implement the responsibility to protect in conformity with paragraphs 138 and 139 of the World Summit Outcome**]; [proposal to move second part to section 5]
17. Reiterates that [freedom from discrimination] [**non-discrimination**] [**including**] on the ground of race, [**colour, descent or national or ethnic origin**] is a fundamental principle of international humanitarian law and [**underscores the need for**] [urges] all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law [**and continue to combat all forms of racial discrimination**]][prohibiting adverse distinction];
18. [Deplores also the use of Government-aligned or -organized irregular militia to oppress, murder and displace ethnic populations;]

ALT/NEW PARA: Re-emphasizes State obligations in situations of armed conflict and territories falling under their effective control where protection provided by international law is at its weakest level;

(Slave trade, traditional forms of slavery, colonialism, historic injustices, remembering past tragedies, apologies)

NEW PARA: Acknowledging that slavery and the transatlantic slave trade were appalling tragedies in the history of humanity and were a crime against humanity;

19. [Pays tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid;]

NEW PARA: Recognizes that individuals, groups, **peoples** and nations that are affected by [the violation of] [**discriminatory**] policies and practices, such as colonialism, slavery and ethnic cleansing based on theories of racial national superiority, hatred and distinction as to race, colour, or national or ethnic origin, as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance and have the right to address these scourges;

20. Welcomes the actions taken to commemorate the memory of victims of slavery and the slave trade in particular the transatlantic slave trade [and the abolition of those historic tragedies **and including the establishment of national, regional-hemispheric bicentennial committees to commemorate the bicentenary of the abolition of the transatlantic slave trade** [and stresses the need to similarly address the trans-Saharan slave trade and the slave trade in the Indian Ocean.] [**Also**] Welcomes the adoption of GA Resolutions 61/19 and 62/122 related to the abolition of the transatlantic slave trade and remembrance of its victims and, in particular, the designation of 25 March as the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade [**as a complement to the existing International Day for the Remembrance of the Slave Trade and its Abolition of UNESCO**];]

NEW PARA: Further welcomes the initiative of the States Members of the Caribbean Community to erect at a place of prominence at United Nations Headquarters that is easily accessible to delegates, United Nations staff and visitors, a permanent memorial in acknowledgement of the tragedy and in consideration of the legacy of slavery and the transatlantic slave trade;

21. [Appreciates the expressions of regret or remorse, apologies or payment of reparations, or restitution of cultural artifacts that have been forthcoming since the adoption of the DDPA;]

ALT: Appreciates the actions of those countries that have, in the context of colonialism and slavery, expressed remorse, apologized, paid reparations or restituted cultural artifacts since the adoption of the DDPA;

(Racial profiling, counter-terrorism)

22. [Draws attention to the impact of] [**Strongly deplores the [overt and covert] discriminatory**] counter-terrorism measures [on] [**that have led to**] the rise of racism, racial discrimination, xenophobia and related intolerance [including the practice of racial, ethnic, national and religious profiling;]

NEW PARA: Also condemns all acts of ethnic, racial or religious profiling and segregation in any society, wherever it may occur, and its concomitant negative impact on the human rights of affected segments of population [and urges States to take resolute action against those responsible both in the public and private sectors]; [**proposal to move to section 5**].

NEW PARA: Reaffirms that counter-terrorism strategies should not undermine the protection of human rights and the fight against racism, racial discrimination, xenophobia and related intolerance;

(Freedom of religion, incitement to religious intolerance, hatred, or violence, defamation of religion, freedom of expression)

23. Reaffirms the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and expresses concern over intolerance[s] and discrimination [**practiced, misusing religions or belief**] [**on the grounds**] [**and**] [in the name] of religion or belief;
24. Recognizes with deep concern the global rise in the number of incidents of intolerance and violence against members of religious minorities in various parts of the world [**in particular**] motivated by [**different forms of religious intolerance**] [Islamophobia, anti-Arabism, anti-Semitism and Christianophobia];

ALT: Recognizes with deep concern the global rise in the number of incidents of intolerance and violence against members of religious minorities in various parts of the world;

25. Condemns any advocacy of racial or religious hatred which constitutes incitement to discrimination, hostility or violence, and recognizes that only a competent, independent and impartial tribunal established by law may determine, case by case, in a fair and public hearing, whether the facts presented qualify as incitement to racial or religious hatred [**prohibited by law**];

ALT: Condemns any advocacy of racial or religious hatred which constitutes incitement to discrimination, hostility or violence, and [**should be prohibited by law**];

26. [[Notes with concern] [**Seriously concerned at the**] instances of defamation of religions, which manifests itself in [**projecting negative, insulting and derogatory images of religions and religious personalities,**] generalized and stereotypical association of religions, in particular Islam, with violence and terrorism, thus impacting negatively on

the rights of individuals belonging to these religions, including Muslim minorities, and exposing them to hatred and discrimination. Such situations are further aggravated by the imposition of restrictions on the profession of religions, including [**the surveillance of places of worship and restrictions on their construction**] [the construction of places of worship and their surveillance];]

27. Notes that discrimination on multiple grounds of religion, ethnicity or culture further affects enjoyment by religious minorities of their basic human rights including economic, social and cultural rights;

ALT: Welcomes measures to address the phenomenon of multiple and aggravated forms of [**racial**] discrimination;

28. Reaffirms a holistic approach to human rights guaranteeing the indivisibility of all human rights, and stresses that [**fundamental freedoms of expression and association should continue to contribute and promote the positive and desirable phenomenon of multiculturalism, respect for cultural diversity and tolerance among all religions, peoples and societies.**] [the fight against racial and religious hatred should not serve as a pretext to legitimize impermissible limitations to freedom of expression] [**as the right to freedom of expression constitutes one of the essential foundations of a democratic society as it ensures individual self-fulfillment and a pluralistic, tolerant society with access to multitudes of ideas and philosophies**];

ALT/NEW PARA: Reiterates that freedom of religion or belief, freedom of opinion and expression and non-discrimination are interdependent and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to national racial and religious hatred in accordance with the permissible limitations under article 20 of the ICCPR and analogous instruments;

NEW PARA: Recognizes the importance of the positive role that can be played by the media in this context in particular through a responsible media that abstains from diffusing hate or defamatory information and that engages to fight against such practices;

(Holocaust) [**proposal to change title**]

29. [Affirms that the Holocaust, which resulted in the murder of one third of the Jewish people, along with numerous members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; recalls again that the Holocaust must never be forgotten;]

ALT: Recalls that the Holocaust must never be forgotten;

[**NEW PARA:** Recalls and urges States to implement United Nations 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 in any activities to this end;] **[proposal to move to section 5]**

[(Middle East)] **[proposal to delete cluster]**

30. [Expresses deep concern at the practices of racial discrimination against the Palestinian people as well as **[Syrian nationals of the occupied Syrian Golan]** [other inhabitants of the Arab occupied territories] which have an impact on all aspects of their daily existence and prevent the enjoyment of fundamental rights, and renews the call for the cessation of all such practices;]
31. [Reiterates that the Palestinian people have the inalienable right to self determination and that, in order to consolidate the **[Israeli]** occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction of movement and arbitrary closure of their territories. Also notes **[with concern]** that illegal settlements continue to be built in the occupied **[Arab]** territories **[since 1967]**;]
32. [Reaffirms that a foreign occupation founded on settlements, laws based on racial discrimination with the aim of continuing domination of the occupied territory[y][ies], as well as the practice of reinforcing a total military blockade, isolating towns, villages and cities from one another, **[totally]** contradicts the purposes and principles of the Charter of the United Nations **[and constitutes a serious violation of international human rights and humanitarian law, a crime against humanity, a contemporary form of apartheid and serious threat to international peace and security]** **[and violates the basic principles of international human rights law]**;]

[NEW PARA: Expresses deep concern at the plight of Palestinian refugees and other inhabitants of the Arab occupied territories as well as displaced persons who were forced to leave their homes because of war and racial policies of the occupying power and who are prevented from returning to their homes and properties because of a racially-based law of return. It recognizes the right of return of Palestinian refugees as established by the General Assembly in its resolutions, particularly resolution 194 of 11 December 1948, and calls for the return to their homeland in accordance with and in implementation of this right;]

33. [Reiterates deep concern about the plight of the Palestinian people **[as well as inhabitants of the other occupied territories]** under foreign occupation, **[including the obstruction of the return of refugees and displaced persons, and the construction of the segregation wall,]** and urges respect for international human rights law, international refugee law and international humanitarian law, and calls for a just, comprehensive and lasting peace in the region;]
34. [Re-emphasizes the responsibility of the international community to provide international protection, in particular from racism, racial discrimination, xenophobia and related intolerance, for **[Palestinian]** civilian populations under occupation in conformity with international human rights law and international humanitarian law;]

[Proposal to include reference to Gaza situation – language to be provided]

B. Victims of racism, racial discrimination, xenophobia and related intolerance

(General provisions on victims, grounds of discrimination)

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

ALT: Acknowledges that there should be no hierarchy among potential victims of racism, racial discrimination, xenophobia and related intolerance and that all victims should receive [proper attention and proper treatment] [**same attention, protection and treatment**] [**equal and proper attention**] [**equal attention and appropriate treatment**] [adequate] [appropriate] [attention and treatment] [**equal attention, the same protection and appropriate treatment**] in order to ensure the full enjoyment of their human rights;

NEW PARA: Emphasizes that victims' right to access to justice is of [special] [**paramount**] importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically, [and [**further emphasizes the need for equality for victims in legal systems**] [**further emphasizes the need for equal treatment before the law**] that the principle of equality of victims in legal systems is meaningless unless it is accompanied by affirmative action]; [**proposal to move to section 5**]

[NEW PARA: Affirms that there still exists a great knowledge gap to be addressed regarding the central role of the transatlantic slave trade in shaping the modern world and that a great challenge remains to restore the dignity of the victims of this unparalleled tragedy of humanity;]

(Africans and people of African descent)

36. Regrets recent attempts at the [**pseudo**] intellectual and [**allegedly**] [**pseudo**] scientific legitimization of racism [**on the grounds of descent**], in particular the revival of negative stereotyping of Africans and People of African descent [**as inferior to other races, as slavery and colonialism have originated in such misguided ideas**];

- 37.** Identifies progress made in legislation and measures adopted by States to correct inequalities in access to education, health, housing, justice and employment by people of African descent; [**Adopted ad ref.**]

[NEW PARA: Notes the need to bolster measures that promote and broaden access to opportunities for a greater and better participation by people of African [**and Asian**] descent and indigenous peoples in political, economic, social and cultural aspects of society, together with measures that ensure that national political and legal systems reflect society's cultural diversity, particularly as regards women, and acknowledge the various systems and forms of representation;] [**move to general provisions**]

(People of Asian descent)

[NEW PARA: Expresses concern at the high incidence of racially motivated acts of violence and intolerance against **[Asians and]** people of Asian descent;]

[NEW PARA: Recognizes that in many parts of the world, Asians and people of Asian descent continue to face barriers as a result of social biases, negative stereotypes, and discrimination and expresses the commitment to work towards the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance faced by Asians and people of Asian descent;]

(Indigenous people[s])

38. Notes **[some]** progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, to enhance and strengthen their ethnic, cultural, religious and linguistic identities, and to ensure the exercise of their human rights and fundamental freedoms on an equal footing, free of discrimination, and their full and free participation in all spheres of society, particularly in matters that affect or interest them **[Regrets however that racism, racial discrimination, xenophobia and related intolerance still persists in an implicit and explicit manner against indigenous peoples and individuals];**
39. [Notes with appreciation] **[Welcomes]** the adoption of the UN Declaration on the Rights of Indigenous Peoples and the creation of the Permanent Forum on Indigenous Issues **[and the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples]**, which have a positive impact on the protection of victims **[and underlines that the use of the term “indigenous peoples” should be understood in the context of the adoption of the Declaration];**

[Proposal to change order of paras. 38 and 39]

[NEW PARA: Stresses the importance of making progress in putting in place [affirmative action policies] **[special measures]** in key sectors, such as access to education and employment, health and social security, political participation and investment in infrastructure that benefits communities in which people of African **[and Asian]** descent, indigenous peoples and other groups suffering from discrimination live;] **[proposal to move to general provisions or section 5]**

[NEW PARA: Recognizes also that indigenous peoples have been victims of **[racism, racial discrimination, xenophobia and related intolerance]** [discrimination] for centuries and affirms that they are free and equal in dignity and rights and should not suffer from any discrimination particularly on the basis of their indigenous origin and identity and stresses the continuing need for action to overcome **[those] [them]** [the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;]]

40. ~~Identifies some progress in the adoption of legal and administrative measures to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities of indigenous peoples and to establish conditions for the respect thereof; [Agreed]~~

(Migrants, refugees, asylum seekers, IDPs, stateless persons)

[NEW PARA: Urges States to adopt comprehensive measures based on international law and relevant instruments including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;] **[proposal to move to section 5]**

[NEW PARA: **[Welcoming the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families]** [Regrets that some States have refrained so far from acceding] **[Notes that several States have not yet acceded]** to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [and reiterates its appeal to these States to do so as soon as possible];] **[proposal to move second part to section 5]**

41. [Recognizes that **[racist [discriminatory] and xenophobic attitudes]** [xenophobia] against non-nationals, particularly migrants, refugees and asylum-seekers **[internally displaced persons and stateless persons]**, constitutes one of the main sources of contemporary racism **[in [all] [different] [certain] parts of the world]** and that human rights violations against members of [such] **[these]** groups occur widely [in the context of discriminatory, xenophobic and racist practices] **[in [all] [different] [certain] parts of the world];]**

- 42. Deplores the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and targeting of migrants, refugees and asylum seekers; [Adopted ad ref.]**

43. Stresses the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting zones, and stresses that it is **[contrary to international human rights law]** [inhuman and degrading] for such areas to be “no-rights” zones for non-citizens in general, and for migrants, refugees and asylum seekers in particular;

ALT: Stresses the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting zones, and **[also]** stresses that human rights [are to] **[must]** be [applied] **[respected]** in such areas for non-citizens in general, and for migrants, refugees and asylum seekers in particular;

44. Recognizes the need to strengthen efforts towards fighting against [illegal] **[irregular]** migration and the smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse, and reiterates the importance of **[promoting and]** protecting the **[human] rights [and fundamental freedoms]** of migrants [whether regular or irregular] **[regardless of their [immigration] status];]**

ALT: Reiterates the importance of protecting the human rights of migrants, whether regular or irregular, and recognizes the need to strengthen efforts towards fighting against smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse;

45. **[Recalls the obligation of States to pass and propose legislation in accordance with their]** [Expresses deep concern at passed or proposed legislation that counters] [commitments made] **[obligations]** under international human rights law **[and standards]**, in particular with respect to the **[dignity and human]** rights **[and fundamental freedoms]** of migrant workers and the members of their families;
46. Recognizes the need for a [comprehensive and balanced] **[[comprehensive], [balanced] and rights-based]** approach in dealing with migration issues, including by strengthening **[comprehensive]** international dialogue on **[all forms of]** migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between management of migration, **[protection of human rights] [human rights of migrants]** and the promotion of development **[while ensuring that the human rights of migrants are fully protected]; [proposal to move to section 5]**

ALT: Recognizes the need for a [comprehensive,] [balanced **[and rights-based]]** **[comprehensive, balanced and human rights focused]** approach in dealing with migration issues **[in respect to the human rights of migrants]**, including by strengthening **[comprehensive] [broad]** international dialogue on **[all aspects of]** migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between management of migration and the promotion of development **[while fully respecting the rights of migrants];**

47. Reiterates that [the] **[national and] [regional]** international response and policies, including financial assistance, towards refugee **[and internal displacement]** situations in different parts of the world **[must]** [should] not be guided by **[any form of discrimination prohibited by international law]** [considerations of race, color, descent, national or ethnic origin, **[nor discriminatory considerations on the basis of culture, religion and language]** [nor based on the culture, religion and language of the refugees]], and urges the international community to **[take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons]** [grant [economic and financial] assistance to affected States **[in a more balanced and objective manner]**, particularly in the developing world, in order to **[help them]** adequately address refugee **[and internal displacement]** crises, and [to] remove the root causes of displacement;]

NEW PARA: Recalls the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance without any discrimination; **[Adopted ad ref.]**

48. [Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, color, gender, religion, or national or ethnic origin, especially if such measures and legislation render a person stateless;]

ALT: Stresses the seriousness of States arbitrarily depriving persons of their nationality or arbitrarily denying them acquisition of nationality, in particular on grounds of race, colour, gender, religion or national or ethnic origin, especially if such measures and legislation render or leave persons stateless;

(Roma, Gypsies, Sinti, Travellers)

49. Recognizes with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and expresses concern over the violence affecting these communities; **[Adopted ad ref.]**

(Ethnic, linguistic and religious minorities)

50. Welcomes efforts aimed at developing consultation with bodies representing persons belonging to minorities; **[Adopted ad ref.]**

51. Expresses deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious [or] cultural communities and [national] minorities;

ALT: Expresses deep concern at the numerous occurrences of racist and xenophobic violence, including inter-ethnic violence and internal conflicts targeting members of national, ethnic, religious or linguistic minorities;

52. Affirms that the identity of persons belonging to national or ethnic, religious and linguistic minorities 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];

53. ~~Acknowledges that a most disturbing phenomenon is the intellectual and ideological validation of Islamophobia. When it is expressed against migrants it takes the form of religious-ethnic or religious-racial tones, when it is expressed in the form of defamation of religions, it takes cover behind the freedom of expression and when it is expressed in the form of profiling, it hides behind the war against terrorism. Believes that association of terrorism and violence with Islam or any other religion, including through publication of offensive caricatures and making of hate documentaries, would purposely complicate our common endeavours to address several contemporary issues, including the fight against terrorism and the occupation of foreign territories and peoples; [Agreed]~~

ALT: Believes that association of terrorism and violence with any religion including through publication of offensive caricatures and making of hate documentaries, would purposely complicate our common endeavours to address several contemporary issues, including the fight

against terrorism [and the occupation of foreign territories and peoples]. In this context, acknowledges that one of the most disturbing phenomenon is the intellectual and ideological validation of Islamophobia;

ALT 2: Acknowledges manifestations of intolerance against religious minorities which manifest itself in different forms including in inter-ethnic violence and internal conflicts, targeting of religious and cultural communities, and stereotyping of social behavior;

(Trafficking)

54. Recognizes that victims of trafficking 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 [**constitute one of the major causes of trafficking in persons**] [may fuel trafficking in persons];
55. Recognizes the need to provide practical, rights-based approach [policy guidance] on the prevention of trafficking and the protection of trafficked persons with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions;

ALT: Expresses concern at the low pace and ineffectiveness of measures implemented and policies adopted to prevent and combat trafficking in persons, and emphasizes the protection of and assistance to victims of trafficking in persons and to embark upon a wide range of collective and cooperative-based measures, including inter alia, criminalization of trafficking in persons, particularly women and children, and development of action plans, best practices, standards and procedures for preventing and combating trafficking in human beings with a view to its total eradication;

[Proposal to move action-oriented elements to section 5]

56. Notes efforts by States and organizations to prevent and combat trafficking in persons and to enhance the protection of and assistance to victims of trafficking in persons, for instance the development of action plans and best practices, standards and procedures for combating and preventing trafficking in human beings [**and protecting its victims**];

[Proposal to merge paras. 55 and 56]

ALT MERGED PARA: Recognizes the efforts by States and organizations to prevent and combat trafficking in persons and to enhance the protection of and assistance to victims of trafficking in persons with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions;

(Contemporary forms of slavery)

57. Recalling that slavery and slavery-like practices were recognized in the DDPA as **[flagrant violations of human rights]** [crimes against humanity], 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 **[may lead to]** [fuel] slavery and slavery-like practices;

58. 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; [Adopted ad ref.]**

59. Stresses that the **[practices]** [issue] of contemporary forms of slavery] **[including against migrants, refugees and asylum-seekers] [and its different manifestations, including [forced] prostitution, unequal wages and imposing all kinds of restrictions depriving people from the enjoyment of their civil, political and particularly economic rights]** need[s] to be **[investigated and well-documented by relevant United Nations bodies wherever it occurs and]** given greater prominence and priority if these practices are to be eradicated once and for all; (para 16 section 1)

ALT: Stresses that contemporary forms of slavery in its different manifestations need to be investigated by different stakeholders and given greater prominence and priority if these practices are to be eradicated once and for all;

(Multiple discrimination)

60. Reiterates that **[multiple] [forms of] discrimination [on any ground, including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation]** [on multiple grounds], as laid down in the DDPA, further affects the enjoyment of [basic] human rights and can lead to particular targeting or vulnerability (merger paras 3, 52 section 1), and welcomes measures to address multiple and aggravated forms of discrimination, particularly the efforts to adopt or improve penal or civil legislation in order to address these phenomena;

61. [Notes with concern increased instances of discrimination on the multiple grounds **[including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation]** [of race and religion] since 2001. **[When it is expressed against migrants, it takes the form of religion-ethnic or religious-racial tones, when it is expressed in the form of defamation of religions or religious personalities, it takes cover behind the freedom of expression and when it is expressed in the form of profiling, it hides behind the war against terrorism];]**

[Proposal to merge paras. 60 and 61]

ALT MERGED PARA: Notes with concern increased instances of discrimination on multiple grounds and reiterates that **[multiple] [forms of] discrimination [on any ground, including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation]** as laid down in the DDPA, further affects the enjoyment of [basic] human rights and can lead to particular targeting or vulnerability (merger paras 3, 52 section 1), and welcomes measures to address multiple and aggravated forms of discrimination, particularly the efforts to adopt or improve penal or civil legislation in order to address these phenomena;

(Women, gender, children)

[NEW PARA: Expresses concern at the persistence of discrimination against women and girls on the grounds of race, racial discrimination, xenophobia and related intolerance and affirms the urgent need to combat such discrimination by prioritizing the development of a systematic and consistent approach to evaluating, monitoring and eliminating such discrimination against women and girls, in accordance with the DDPA;]

62. Strongly condemns all acts of violence, [whether these acts are perpetrated **[or condoned]** by States, private persons or non-State actors,] against women and girls and calls for the elimination of all forms of gender-based violence in **[all circumstances]** [the family **[and]** within the [general] community], and **[in States]** [where perpetrated or condoned by the State], in accordance with **[internationally-accepted human rights standards]** [international human rights norms and standards, including the Declaration on the Elimination of Violence against Women;]
63. Stresses 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]** [and] specialized assistance **[and rehabilitation]** to victims, including medical and psychological assistance and **[necessary]** [effective] counseling;

ALT: Stresses 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 necessary counseling;

NEW PARA: [Recalls/Reiterates] [Recognizes] that racism, racial and ethnic discrimination, xenophobia and related intolerance affect women differently from men aggravating their living conditions and generating multiple forms of **[discrimination]** violence, thus limiting or denying the enjoyment of their human rights, **[and underlines the urgent need to end discriminatory attitudes and gender stereotypes];**

64. [Underlines the **[urgent need/task to overcome]** [challenges] [and obstacles] to **[overcome]** [changing] discriminatory attitudes and gender stereotypes and stresses that

[**some**] [challenges and] obstacles remain in the implementation of international standards and norms to address the inequality between men and women;]

65. Recognizes with concern that instances of racism, racial discrimination, xenophobia and related intolerance [**can/may**] lead to sexual exploitation of women and children especially the girl child;

66. Acknowledges that although children are vulnerable to violence, some children, because of inter alia their gender, race, ethnic origin, disability or social status, are particularly susceptible to it; [**Adopted ad ref.**]

(Migrant women)

67. Expresses deep concern at continuing reports of grave abuses and violence committed against migrant women [and [**their**] children] [(also nationals)], including gender-based violence, in particular sexual violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labor practices and exploitative conditions of work; [**Proposal to move to cluster on migrants**]

(HIV/AIDS)

68. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS, especially among key populations at higher risk to exposure to HIV and to eradicate multiple discrimination against persons living with and affected by HIV/AIDS; [**Adopted ad ref.**]

NEW PARA: Recommends that States guarantee universal and effective access to [**prevention**] medications at affordable prices, particularly those required for the prevention and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate; [**proposal to move to section 5**]

(Sexual orientation)

69. [Condemns all forms of discrimination and all other human rights violations based on sexual orientation;]

[**ALT:** Recognizes that experiences of racism, racial discrimination, xenophobia and related intolerance are aggravated by and intersect with discrimination on grounds including [**acceptable personal preferences**] [sexual orientation and gender identity] and condemns all forms of discrimination and all other human rights violations based on these grounds;]

[**NEW PARA:** Reiterates its concern regarding acts of violence, discrimination and human rights violations committed against individuals on the grounds of their sexual orientation and gender identity and invites States, whenever possible, to consider appropriate measures to tackle such problems;]

(Persons with disabilities)

NEW PARA: Expresses deep concern at the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination, and welcomes the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

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

(General provisions on measures)

70. ~~Recognizes that prevention is a key element of any political strategy to combat racism, racial discrimination, xenophobia and related intolerance, to promote cohesion, and to tackle community tensions; [Agreed]~~

ALT: 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; **[Adopted ad ref.]**

71. Stresses the necessity of increasing appropriate preventive measures in order to eliminate all forms of racial discrimination and 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 and in confidence-building; **[Adopted ad ref.]**

(Monitoring, data collection)

72. Notes with appreciation the activities of independent information networks on racism and xenophobia in some countries which collect relevant information and develop strategies to combat these phenomena, while also highlighting and disseminating good practices the submission of which could enable the national bodies and institutions to develop strategies to combat and eradicate these phenomena; **[Adopted ad ref.]**

73. Acknowledges the importance of making progress in gathering **[disaggregated]** data and other human development indicators **[in accordance with national law]** [disaggregated by race and ethnicity], whether by conducting censuses or by collecting, compiling, analyzing and providing data at the national and local levels, which should also take into consideration **[gender [age] and]** social and economic indicators, such as average income, access to health services, maternal and infant mortality, life expectancy, literacy rate, access to education, employment opportunities, quality of housing, land ownership and access to water, health and communications services;

ALT: Acknowledges the importance of making progress in gathering **[disaggregated]** data in order to assess regularly the situation of individual and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in conformity with the principles laid down in the DDPA and in accordance with national law.

NEW PARA: Emphasizes the need for national, regional and international bodies to monitor racist and xenophobic acts, and in this regard to establish an observatory for racist incidents to undertake a detection role in relation to potential conflict based on racism, racial discrimination, xenophobia and related intolerance.

(Tackling discrimination in (access to) education, employment, health)

74. Welcomes the adoption of legislation, at the national and regional levels, to address discrimination and victimization in employment and training, the provision of goods, facilities and services, education, housing and public functions; **[Adopted ad ref.]**

75. 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; **[Adopted ad ref.]**

(National action plans)

NEW PARA: Identifies progress in the formulation of national plans to eradicate racism, racial discrimination, xenophobia and related intolerance and reaffirms the importance for States to develop further and implement national action plans in consultation with relevant stakeholders, including national human rights institutions and civil society; **[Adopted ad ref.]**

((Human rights) education, training or sensitizing professionals, awareness raising, communication)

76. Believes that education, including human rights education, is essential to the realization of all human rights and fundamental freedoms **[which contributes to the promotion and respect for the cultural diversity of societies]** for the promotion **[and]** [of] respect for the cultural diversity of societies, and contributes significantly to promoting equality and preventing conflict and human rights violations, **[and a culture of peace]** as well **[to enhance participation in the decision-making process and in the promotion of democratic values]** [as enhancing participation and democratic **[processes]** [values]], with a view to developing societies in which **[the dignity of]** all human beings **[and their dignity]** are valued and respected;

77. **[Welcomes the adoption of]** [Recognizes that] national legislation to promote human rights education has been approved in all **[parts]** [regions] of the **[world]** [globe] after the adoption in 2001 of the DDPA, particularly in order to sensitize the public at large with regard to the cultural **[diversity]** [identity of minorities];

78. Acknowledges the development and implementation of training and educational activities on human rights from an **[anti-racist and non-discriminatory]** **[anti-discrimination]**

[anti-racist [and anti-sexist]] [**and gender**] perspective, in particular for public officials, as well as awareness-raising and information campaigns;

~~**NEW PARA:** Recognizes the need and importance of an international declaration on human rights education and training [**on racism, racial discrimination, xenophobia and related intolerance**] with a view to inter alia strengthen the respect for human rights and fundamental freedoms, [**prevent racism, racial discrimination, xenophobia and related intolerance,**] and promote understanding, tolerance, gender [**justice**] [equality] [**a culture of peace**], and friendship among all nations, indigenous peoples, and [**socially-constructed**] [**racial**], national, ethnic, religious and linguistic groups;~~

~~**ALT:** Recognizes the need and importance of an international declaration on human rights education and training that may have positive impact on the fight against racism, racial discrimination, xenophobia and related intolerance [**with a view to inter alia strengthening the respect for human rights and fundamental freedoms**];~~

ALT 2: Recognizes the importance of an international declaration on human rights education and training with a view to strengthening respect for human rights and fundamental freedoms that would have a positive impact on the fight against racism, racial discrimination, xenophobia and related intolerance; [**Adopted ad ref.**]

NEW PARA: Enhancing the roles of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

(Intercultural dialogue, interreligious dialogue)

[**Proposal to merge paras. 79 and 81**]

79. 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 with a view to overcoming existing gaps in perceptions, concepts and ideas; [**Adopted ad ref.**]

NEW PARA: Recognizes the valuable work done to promote dialogue, mutual understanding and respect through all existing mechanisms [**at the regional and international levels**], such as the Council of Europe, OSCE, and the Alliance of Civilizations [**Dialogue between Civilizations, UNESCO, the OAS, the Asia-Pacific Interfaith Dialogue, Tripartite Forum for Interfaith Dialogue and Cooperation for Peace, MERCOSUR, Non-Aligned Movement**];

80. Reaffirms that the eradication of racism, racial prejudice and xenophobia should aim not only to promote equality and eliminate discrimination but also to promote interactions between ethnic, cultural and religious communities, in particular in multicultural societies; (para 258 section 1)

ALT: Reaffirms that the eradication of racism, racial prejudice and xenophobia should aim not only to promote intercultural dialogue as an open and respectful exchange of views between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds on the basis of mutual understanding and respect;

81. ~~Notes with appreciation the increasing number of initiatives to promote intercultural dialogue;~~ **[Agreed]**

(Political parties and programmes, political participation, Parliaments)

(National institutions, national specialized bodies and mechanisms)

82. ~~**[Welcomes]** [Notes] significant progress in the creation [by States in the establishment] of independent national human rights institutions [as well as specialized bodies and mechanisms] addressing racism, racial discrimination, xenophobia and related intolerance, as well as specialized [State] [or other] bodies and mechanisms responsible for formulating and [/or] implementing public policies [in the struggle against racism, racial discrimination, xenophobia and related intolerance and [encourages States that have not such institutions [or bodies] to expedite the process] [proposal to move to section 5] [to eradicate discrimination [and to promote racial equality]];~~ **[Agreed]**

[Proposal to split paras. 82 and 83]

ALT: Welcomes significant progress in the establishment of independent national institutions for the promotion and protection of human rights and reaffirms the important and constructive role played by such institutions in the struggle against racism, racial discrimination, xenophobia and related intolerance, including in providing advice to States, the judiciary and other stakeholders, assisting victims' access to effective remedies and in human rights advocacy and education; **[Adopted ad ref.]**

NEW PARA: Welcomes the contributions of competent national bodies or specialized agencies responsible for formulating and/or implementing public policies to eradicate racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**

83. ~~[Deplores the fact that some countries have not yet established independent human rights and other relevant institutions];~~ **[Agreed]**

NEW PARA: Calls on States **[that have not yet done so]** to devise programmes and create national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles **[and to ensure that institutions be representative and inclusive, have focal points on racism, racial discrimination, xenophobia and related intolerance and have the capacity to receive and address complaints in this regard];** **[proposal to move to section 5]**

(Media)

84. **[Welcomes that important action has taken place since the adoption of the DDPA but]** Takes note that while much progress is still needed, particularly in the area of **[promoting intercultural dialogue and anti-discrimination practices and policies [by the media],]** [self-regulation and diversity training of media professionals], [important action has taken place since the adoption of the DDPA]. [Diversity training for journalists has been promoted as a key preventive measure against negative stereotyping and discrimination **[and reiterates further that such training is in conformity with the freedom of expression and in fact promote informed debate, socio-cultural harmony and avoid racial or religious friction]. [proposal to split the paragraph] [Also welcomes the]** Independent media councils composed of media professionals charged with assessing issues related to racism in the media have also been formed in many countries. In some cases, these councils have been mandated to receive complaints of racism in the media and to advise editors and publishers accordingly. The media has also been effectively used as a means to promote more balanced representation of members of minorities, who have increasing access to high visibility functions in many countries];

NEW PARA FOR SECTION 5: Calls on States in compliance with the DDPA to elaborate a voluntary ethical code of conduct in association with the International Federation for Journalists to address racism in the media and other modern information and communication technologies while taking into account fundamental issues, such as the right to freedom of expression;

(Civil society, NGOs)

85. 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 for the projects of civil society; **[Adopted ad ref.]**
86. Welcomes the role and participation of **[private sector,]** civil society, ~~human rights~~ non-governmental organisations, and human rights defenders **[[including] as well as [business sector, including transnational corporations and foreign enterprises] [business entities] [private sector] and trade unions]** in the struggle against racism, racial discrimination, xenophobia and related intolerance, in particular the implementation of the Durban Declaration and the Plan of Action;
87. Notes with concern the precarious situation of human rights defenders and non-governmental organisations, including anti-racist non-governmental organizations, which undermines the struggle against racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**

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

(Law enforcement, administration of justice, access to justice, sanctions)

88. Recalls that access to justice implies the possibility of defending a case before a tribunal, as well as the proper functioning of the whole system of administration of justice, **[special measures when the circumstances so warrant]** including affirmative action for vulnerable groups, as needed. The obstacles that impede access to justice are often connected to discriminatory practices affecting vulnerable groups. These groups face difficulties in accessing justice because of different kinds of barriers, in particular cultural and linguistic barriers;

ALT: Recalls that access to justice for victims of **[racial] [and religious] discrimination** implies the possibility of defending a case in a fair trial as well as an environment in which respect for the rule of law, independence and impartiality of the judiciary, and due process is **[guaranteed]** [respected,] **[and also emphasizes that]** States should remove obstacles that impede access to justice, particularly for members of vulnerable groups;

89. Recalls the importance of an effective and independent judiciary to allow the victims of racism to seek adequate redress; **[Adopted ad ref.]**

90. Acknowledges the need [to formulate and put in place specific programmes] to prevent, investigate, and, **[where]** [when] required **[to introduce specific law with a view to bringing to]**, [bring to] **[justice]** [trial and punish] acts of serious misconduct by police officers and other law-enforcement officials prompted by racism, racial **[or other forms of]** discrimination, [xenophobia and related intolerance];

91. Stresses the need to improve and broaden the distribution of information related to access to mechanisms for reporting complaints or providing assistance during legal proceedings for victims of racism; **[Adopted ad ref.]**

92. ~~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; [Agreed]~~

ALT: Underlines the importance and the need for greater progress in the implementation of measures to facilitate access by victims of racism, racial discrimination, xenophobia and related intolerance to justice that ensures just **[and effective administrative and judicial remedies, including the right to seek just]** [and adequate reparation or [satisfaction], as well as legal assistance where required];

(International tribunals, ICC)

93. [Expresses its full support of the work of the existing international criminal tribunals and calls for the universal ratification of the Rome Statute of the International Criminal Court];

94. [Expresses concern over the lack of willingness of certain countries to cooperate with international criminal tribunals];

E. **Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance**

(Democracy, elections)

95. Recalls that democracy is incompatible with the continued existence of racism [**and in this regard condemns all manifestations of institutionalized racism as well as legislations and practices based on racism, racial discrimination, xenophobia and related intolerance**][**and in this regard condemns legislation and practices based on racism, racial discrimination, xenophobia and related intolerance**];

ALT: Condemns legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance.

96. [Notes progress made by some States in the field of democracy, [the rule of law, transparent, responsible, accountable and participatory governance, [including through electoral support such as assistance and election observation missions in line with best international practice,] but notes also that challenges remain in parts of the world]];

(Affirmative action, special measures, positive action)

97. Identifies progress in programmes to foster racial equality in favour of people of African descent, such as affirmative action programmes for access to higher education; and stresses the importance of making progress in putting in place affirmative action policies in key sectors, such as access to education and employment, health and social security, political participation and investment in infrastructure that benefits communities in which people of African descent, indigenous peoples and other groups suffering from discrimination live;

(OHCHR, UN system, international and regional organizations, international cooperation, technical assistance or cooperation)

98. Recognizes the valuable role played by regional organisations and institutions [**inter alia OSCE, Council of Europe and European Union Agency for Fundamental Rights**] [**Dialogue between Civilizations, UNESCO, the Alliance of Civilizations, OAS, the Asia-Pacific Interfaith Dialogue, Tripartite Forum for Interfaith Dialogue and Cooperation for Peace, MERCOSUR, Non-Aligned Movement**] in the fight against racism, racial discrimination, xenophobia and related intolerance;

[To be considered together with para. 79 bis]

99. [**Regretting the lack of**] [Notes] financial initiatives [**inter alia by OSCE [and OAS]**] in support of the fight against racism, racial discrimination, xenophobia and related intolerance;

100. [Welcomes the important initiatives to combat [anti-Semitism], hate crimes, racism, xenophobia and discrimination as well as [**anti-Semitism, Islamophobia and Christianophobia**] [intolerance and discrimination [**in particular**] against [**religious groups**] Muslims [**and Jews**];]

ALT: [Reiterates the urgency of combating hate crimes, racism, xenophobia, discrimination and intolerance [**in particular**] [against Muslims, Jews and Christians];]

101. Takes note of the important role of the United Nations and its relevant specialized agencies such as the United Nations Educational, Scientific and Cultural 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; [**Adopted ad ref.**]

NEW PARA: Encourages UNESCO to pursue its work aimed at mobilizing municipal authorities and local governments against racism, racial discrimination, xenophobia and related intolerance, particularly through its Coalition of Cities against Racism and Discrimination initiative; [**Proposal to move to section 5**]

102. Re-emphasizes the importance of international cooperation [**for global promotion of**] [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; (c) the implementation of the United Nations and of States' obligations in this regard; and (d) the elaboration of [further global] strategies to combat [**all forms**] [**contemporary**] [new] [manifestations] of racism, racial discrimination, xenophobia and related intolerance

SECTION 2:

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

I. General

103. [Expresses its] [**Takes note with**] appreciation [for] the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance undertaken by [all] the mechanisms established following the request of the World Conference against racism, racial discrimination, xenophobia and related intolerance, [namely the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Independent Eminent Experts Group, the Working Group of Experts on People of African Descent,] [**and the Ad Hoc Committee on the Elaboration of Complementary International Standards**], and for the contributions they have made to implement the Durban Declaration and Program of Action [**and for further improvement of these mechanisms**];
104. Welcomes the important role played by [**relevant special procedures**] [**inter alia, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant mandates**] [inter alia, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on freedom of religion or belief, the United Nations Permanent Forum on Indigenous Issues, the former Sub Commission on the Promotion and Protection of Human Rights and its Working Groups, the Special Rapporteur on trafficking in persons, the Special Rapporteur on contemporary forms of slavery, and the Expert mechanism on the rights of indigenous peoples][**the Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the convention on the Rights of Persons with Disabilities**] in the fight against racism, racial discrimination, xenophobia and related intolerance;
105. Acknowledges the need to [**rationalize and**] enhance further the effectiveness of the [system of] mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance [within the framework of the universal system of human rights] with a view to achieving better coordination, consistency and complementarity in their work [**and avoiding duplication of mandates**] [as well as giving due account to their output in the mainstreaming of human rights within the UN system] [**and urges OHCHR and States to continue to raise awareness of and bring visibility to these mechanisms**];

106. Asserts that the effectiveness of mechanisms dealing with or addressing issues of racism, racial discrimination, xenophobia and related intolerance is linked to or depends on different factors, in particular:

- **[Strengthening]** The political will or commitment of States to cooperate with them, including to **[the]** follow up on their recommendations;
- **[Avoiding]** [The proliferation of mechanisms]; **[Rationalizing the mechanisms]**
- **[Increasing]** The level of visibility and accessibility of mechanisms to the outside world, in particular for victims of racism and racial discrimination;
- **[Ensuring]** A coherent approach, which **[strengthens the existing mandates]** [decreases the risk of overlapping, duplication and inconsistencies];
- **[Ensuring]** Effective cooperation and coordination [among various] **[of relevant conventional and extra-conventional human rights mechanisms and the GA];** mechanisms **[and relevant agencies and programmes]** [as well as] **[including]** [interaction with CERD, the HRC and the General Assembly];

[MERGE bullets 4 and 5: A coherent approach with ensures cooperation, coordination, consistency and complementarity among the different mechanisms as well as their effective interaction with CERD, HRC and the GA;]

- **[Ensuring]** Effective collaboration with [victims] and [civil society];
- **[Effective public awareness and publicizing of the outcomes and recommendations of the work of the mechanisms];**
- **[Ensuring]** **[Maintaining]** Adequate funding and servicing **[and allocating new and additional resources where necessary];**

II. Durban follow-up mechanisms

107. Urges the monitoring mechanisms related to the implementation of the Durban Declaration and Programme of Action to promote awareness, dialogue and training of public officials and [/or] social [educationalists]] **[educators]** **[training of trainers, policy-making bodies]** regarding the elimination of racism, racial discrimination, xenophobia and related intolerance with a view to contribute by promoting meetings between public officials and/or social educationalists and other activities that contribute to attaining the goals of the Durban Declaration and Programme of Action; **[proposal to move to section 5]**

A. Working Group of Experts on People of African Descent (WGPAD)

108. **[Welcomes the review and extension of the mandate of the Working Group of Experts on People of African Descent as contained in HRC resolution 9/14]** Acknowledges the [importance and significance of] the work and efforts of the Working Group of Experts on People of African Descent in analyzing the current situation, conditions and extent of racism against **[Africans and persons of African descent]** [persons of African descent in the African Diaspora];

109. Requests the Working Group of Experts on People of African descent to collaborate closely with all other mechanisms dealing with the fight against racism and discrimination in order to ensure a global and comprehensive approach to the fight against racism and discrimination and the equal treatment of all victims;

B. Intergovernmental Working Group on the Effective Implementation of the DDPA

110. [Welcomes] [**Takes note of**] the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;
111. [Regrets that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action has not followed up on a major accomplishment of the Durban World Conference against Racism regarding the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and the agreement to qualify the slave trade as a crime against humanity [**and requests that the Intergovernmental Working Group address this issue as soon as possible**] [**and that the provisions of GA resolutions 61/19 and 62/122 be fully integrated in its deliberations**];]

C. Five Independent Eminent Experts

112. [Acknowledges the importance of the mandate and work of the Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action, particularly directed at fostering the political commitment required for the Declaration and Programme of Action to be implemented successfully;]
113. [Calls the independent eminent experts on the implementation of the Durban Declaration and Programme of Action to develop appropriate methods of work that promote better links between this group of experts and Governments and non-governmental organizations;]
114. [Recommends that the Intergovernmental Working Group on the Follow-up to DDPA and the Five Eminent Persons be abolished and replaced by an appropriate body with the mandate to collaborate with the OHCHR to assist states in implementing the provision of the DDPA addressed to them;]

III. Other mechanisms

A. Ad Hoc Committee on the Elaboration of Complementary International Standards

115. [Takes note of] [**Welcomes**] the creation of the Ad Hoc Committee on the elaboration of complementary standards with a view to implementing the recommendation contained in the Durban Program of Action “to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects”, [**which is yet to be realized**];

116. Takes note with appreciation that the Ad Hoc Committee convened its first session and has discussed different issues pertaining to the fulfillment of its mandated task;
117. Welcomes the roadmap agreed by the Ad Hoc Committee on the elaboration of complementary standards at its first session and encourages Member States to submit in a timely manner their contributions as outlined in the roadmap with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action;

[MERGE paras 116 and 117: Takes note that the Ad Hoc Committee convened its first session, has discussed different issues pertaining to the fulfillment of its mandated task, and adopted the roadmap relating to the possible elaboration of complementary standards;]

B. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

118. Expresses its full support for and recognition of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance for his work and requests him to continue placing particular stress on the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by **[all victims in accordance with his mandate]** [national, ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees], while ensuring a global and universal approach to the fight against racism and racial discrimination and avoiding any hierarchy in the treatment of victims **[and calls n States to cooperate fully with the Special Rapporteur and to extend a standing invitation]**;
119. [Welcomes the recent review and extension of the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance **[by the Human Rights Council in its resolution 7/34]**;

C. Special Adviser on the Prevention of Genocide

120. 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, **[and calls on all States to cooperate fully with him, including by accepting his requests for visits]**; **[proposal to move to section 5]**

NEW PARA: 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; **[proposal to move to section 5]**

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

General

121. Reaffirms that the International Convention on the Elimination of All Forms of Racial Discrimination is **[the international legal basis] [sufficient] [is the principal international instrument]** [a core international instrument] to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms, and requests CERD to step up its efforts in response to new challenges **[as the full implementation of the ICERD is fundamental for the success for the global fight against racism and racial discrimination];**
122. Welcomes the [broad] interpretation given by CERD to the definition of the concept of racial discrimination **[as contained in the Convention so as to address]** [and encourages the Committee to continue addressing] **[instances of]** double and multiple forms of discrimination **[such as discrimination on the grounds of race and religion];**

ALT: Welcomes the interpretation by CERD to the definition of the concept of racial discrimination as contained in the Convention so as to address multiple or aggravated forms of discrimination and encourages the Committee to continue addressing multiple or aggravated forms of discrimination;

123. While welcoming the information provided by some States in their periodic reports on the progress made in the follow-up to CERD's recommendations, encourages States to ensure appropriate follow-up to the Committee's concluding observations; **[Adopted ad ref.]**

Ratification

124. Welcomes the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 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, the total number of ratifications increasing to 173 by March 2008; **[Adopted ad ref.]**
125. Renews in this context its call to States that have not yet done so to ratify or to accede to the ICERD as a matter of high priority **[[consistent with]** [in accordance with] their commitments to the DDPA];

ALT: Renews in this context its call to States that have not yet done so to ratify or to accede to the ICERD as a matter of high priority recognizing that the Convention remains the legal basis of the international community to fight against racial discrimination in accordance with their commitments [to the DDPA];

Declarations and reservations

126. Reiterates its call to States Parties to the ICERD to consider making the declaration under article 14 of the Convention to enable victims to resort to the envisaged remedy;
127. Requests States parties that have made the declaration under article 14 of ICERD to increase awareness of this procedure so as to fully exploit its potential; **[Adopted ad ref.]**
128. Urges States Parties to the ICERD to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

Reporting

129. Expresses its concern at the delays in the submission of reports by the States Parties to the Committee on the Elimination of Racial Discrimination, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function; **[Adopted ad ref.]**
130. Reiterates that timely submission of reports by States Parties to ICERD is an obligation under article 9 of the Convention and urges States Parties to the Convention to comply with their reporting obligations; **[Adopted ad ref.]**
131. Encourages the States Parties to disseminate the Durban Declaration and Programme of Action in an appropriate manner and to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action; **[Adopted ad ref.]**
132. 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 ICERD; **[Adopted ad ref.]**
133. Encourages the States Parties to engage with civil society while preparing their periodic reports and their follow-up; **[Adopted ad ref.]**
134. Encourages non-governmental organizations to continue to provide the Committee on the Elimination of Racial Discrimination with relevant information for the reporting process; **[Adopted ad ref.]**
135. ~~Calls upon the States Parties 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 ICERD;~~ **[AGREED]**

Implementation

NEW PARA: Affirms the important role CERD can play in the monitoring of the full implementation of ICERD by States parties;

136. Notes with appreciation the country visits, the early warning and urgent action procedure and follow-up procedure established by the CERD and applied in cooperation with States concerned can play a conducive role for a proper implementation of the Convention; **[Adopted ad ref.]**
 137. Welcomes in this regard the early warning and urgent action procedure which allowed the Committee to make recommendations [as well as, through the UN Secretary-General, to the UN Security Council to prevent] **[to States Parties for the prevention of]** serious violations of the Convention, in particular those that could lead to ethnic conflict and violence;
 138. [Notes] **[Welcomes]** the decision of the CERD to establish a procedure **[based on the provision of article 14 of the Convention]** to follow up on its [opinions and] recommendations adopted following the examination of communications from individuals or groups of individuals;
- [ALT:** Welcomes 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 **[against countries which have made the declaration under article 14 of the Convention];]**
139. Considers that in order for the struggle against racism and racial discrimination to advance [it is important that] States Parties **[are requested to implement, in good faith,]** [act upon and implement] the recommendations addressed to them in concluding observations with a view to assisting them in an effective implementation of the Convention;
 140. **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 CERD; [Adopted ad ref.]**
 141. ~~Encourages such institutions or mechanisms to monitor closely follow up on the concluding observations and recommendations of the CERD; [AGREED]~~
 142. **While acknowledging the primary responsibility of States to implement their obligations under the ICERD, emphasizes that international cooperation and technical assistance play an important role in assisting countries, in the implementation of their obligations under the ICERD and the follow up on the recommendations of CERD, and calls on OHCHR to provide timely assistance to countries upon request which have capacity and other constraints; [Adopted ad ref.]**

143. [Calls on CERD and the Human Rights Committee to elaborate model legislation on [**the necessity of upholding respect for human rights and reputation, public morals, as well as**] incitement to racial and religious hatred and freedom of expression;]

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.

NEW PARA: Recognizing the primary responsibility of States in implementing the provisions of the DDPA

144. 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; **[Adopted ad ref.]**
145. Emphasizes that the best practices that have been developed during efforts to implement the DDPA, applied in a holistic manner, can [be effective tools in] **[contribute effectively to]** addressing discrimination, marginalization and exclusion **[of individuals belonging to]** affected and vulnerable groups, [as well as] **[with the aim of providing remedies]** to all victims of racism, racial discrimination, xenophobia and related intolerance;
146. 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 to implement effectively the provisions of the DDPA when considered appropriate to adapt or replicate best practices, including international cooperation; **[Adopted ad ref.]**
147. [Recommends that] **[Invites]** States, regional and international organizations and other stakeholders **[through a cooperative approach and international assistance initiatives to]** consider making use of relevant best practices **[in the fight against racism and all forms of discrimination, including multiple and aggravated forms of discrimination in]**, inter alia, the following spheres [including through a cooperative approach and international assistance initiatives]:
- Institutional frameworks, including independent monitoring mechanisms;
 - **[National]** Strategies, policies, plans and programs **[against racism and all forms of discrimination]**;
 - [Legislation] **[Comprehensive legal framework]**;
 - **[Democracy, accountable and participatory good governance]**;
 - The rule of law, access to justice [combating impunity] **[and remedies]**;
 - **[Combating impunity for crimes motivated by racist or xenophobic attitudes considering racist motivations as an aggravated circumstance]**;
 - **[Preventive measures against racism and discrimination also as means to prevent conflict and violence, in particular war crimes, crimes against humanity and genocide]**;

- [Apologies, reparations, restitutions and compensations];
- Social and public services;
- Health care;
- Housing;
- Promotion of diversity, intercultural and interreligious dialogue;
- Equal opportunities [**while placing a general duty on public authorities to promote equality**];
- Gender [**To be moved up the list before social and public services?**]
- [Culture] [**Cultural rights and cultural diversity**];
- Sport and leisure activities;
- Inclusive education, training and awareness-raising;
- Mass media and the Internet;
- [**Support for the positive role of media in the fight against racism and discrimination**];
- [**Freedom of expression as a necessity to counter racism and discrimination while respecting articles 19 and 20 of the ICCPR**];
- Statistics and data collection;

148. Recommends that examples of best practices provided for by Governments, regional and international organizations and other stakeholders are placed on the OHCHR website linked to the Durban Review Conference outcomes section with a view to their adaptation and replication, and recommends that the best practices website be duly and timely updated by OHCHR; [**Adopted ad ref.**]

SECTION 5:

Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments hereto, including in light of developments since the adoption of the DDPA in 2001

General

(General provisions on DDPA, human rights, human dignity, cultural diversity, multiculturalism, sources, causes, forms, manifestations, political will, obstacles)

149. Stresses the need for a comprehensive and universal approach to preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance in all parts of the world; **[Adopted ad ref.]**
150. Stresses the need for advocating and mobilizing the political will of relevant actors at all levels for the elimination of racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**
151. Calls on States to undertake effective media campaigns to enhance preventing, combating and eradicating all manifestations of racism, racial discrimination, xenophobia and related intolerance, inter alia, through giving adequate visibility to the Durban Declaration and Programme of Action and its follow up mechanisms; **[Adopted ad ref.]**

Action at the national level

(Racist theories, ideologies, doctrines, incitement to racial hatred, nationalist ideologies, national preference theories)

NEW PARA: Calls on States **[that while identifying]** [to identify] **[different forms and manifestations of]** [new emerging forms and manifestations of] racism, racial discrimination, xenophobia and related intolerance] [and] take effective, tangible and comprehensive measures to prevent, combat and eradicate them as a matter of priority;

NEW PARA: Calls on States to prohibit by law and adopt necessary policy measures to combat **[in accordance with norms of international law]** the dissemination of all ideas based on racial superiority or hatred and incitement to hatred;

(Racist crimes, hate crimes, urban violence)

152. Calls on States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, [and to grant appropriate redress for victims] **[by securing access to justice, by granting [and maximizing] [maximum] [fair] [just and adequate] [appropriate] redress for victims];**

[**ALT:** Calls on States to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance and provide [**by providing**] [just and adequate] [**maximum**] [**fair**] redress for victims, including through securing expeditious access to justice;]

153. Urges States, as a matter of priority, to [**prohibit**] [**and criminalize**] [**any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with [all] pertinent international instruments**] [and punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments];

ALT: Urges States, as a matter of priority, to prohibit [and criminalize] any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with all pertinent international instruments and punish violent, racist and xenophobic activities [of neo-Nazi groups] accordingly;

154. 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.**]

(Poverty, globalization)

(Armed conflict, ethnic, tribal violence, war crimes, crimes against humanity, genocide)

155. Urges States to combat impunity for crimes of genocide [**recognized as such by the competent international tribunals and according to the definition and terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide**]; [**To be discussed**]

NEW PARA: Requests States to respect and implement the responsibility to protect in conformity with paragraphs 138 and 139 of the World Summit Outcome;

(Slave trade, traditional forms of slavery, colonialism, historic injustices, remembering past tragedies, apologies)

156. [[Urges States that have not yet] [**Bearing in mind paragraph 100 of the DDPA, notes further initiatives of States that have**] condemned, apologized and paid reparations for the grave and massive violations as well as the massive human suffering caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide [**recognized as such by the competent international tribunals and according to the definition and terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide**], to do so at the earliest;]

NEW PARA: Urges that the provisions of United Nations General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade be fully integrated into the mandates of the DDPA follow-up mechanisms;

(Racial profiling, counter-terrorism)

157. [Urges States to prohibit by law the practice known as racial profiling and profiling based on any grounds of discrimination recognized under international human rights law and the DDPA, to adopt other necessary measures **[and policies]** to eliminate this practice, to provide sanctions for those who violate the law, and to ensure effective redress for victims;]

ALT: **[Calls upon]** [Urges] States not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

158. [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, national or ethnic origin, nor on the grounds of culture, religion, belief, names, appearance or language, and to ensure that non-citizens are not subjected to racial or ethnic profiling or stereotyping;]

ALT: Calls on States to ensure that any measures taken in the fight against terrorism are implemented in full consideration of human rights for all including persons belonging to national or ethnic, religious and linguistic minorities, and do not discriminate, on grounds such as **[sex, language, religion, political or other opinion, social origin, property, birth or other status]** [race, colour, sex, language, religion, or social origin, **[culture, religion, belief, names, appearance or language]**] [and to ensure that **[citizens and]** non-citizens are not subjected to racial or ethnic profiling or stereotyping];

(Freedom of religion, incitement to religious intolerance, hatred, or violence, defamation of religion, freedom of expression)

159. [Urges States to take effective measures to address contemporary forms of racism, racial discrimination, xenophobia and related intolerance, **[and to take firm action against negative stereotyping and discrimination on religious grounds]** **[and incitement to religious intolerance]** [and to take firm action against negative stereotyping of religions and defamation of religious personalities, holy books, scriptures and symbols;]

ALT: Urges States to take effective measures to combat incitement to religious intolerance, hatred or violence, including negative stereotyping and discrimination on religious grounds;

NEW PARA: Calls upon States to pay attention to the serious nature of incitement to religious hatred, **[such as anti-Semitism, Christianophobia and, [more particularly], Islamophobia,]** and to promote the fight against these phenomena by strengthening inter-religious and inter-cultural dialogue concerning the common ethics of all religions and by adopting legislation aiming at ending impunity in this respect;

NEW ALT 1: Calls upon States to pay attention to the serious nature of incitement to religious hatred, [**such as anti-Semitism, Christianophobia and, [more particularly], Islamophobia,**] and to promote the fight against these phenomena by adopting legislation aiming at ending impunity in this respect and by strengthening inter-religious and inter-cultural dialogue concerning the common ethics of all religions;

NEW ALT 2: Urges States to take effective measures to combat incitement to religious intolerance, hatred or violence, and calls upon States to promote the fight against these phenomena by strengthening inter-religious and inter-cultural dialogue concerning the common ethics of all religions;

160. [Calls on States to develop, [**as**] and where appropriate to incorporate, permissible limitations on the exercise of the right to freedom of expression into national legislation;]

ALT: Calls upon States to wage a systematic campaign [**and measures**] against incitement to religious and racial hatred and to respect the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights;

[**ALT 2:** Calls on States to ensure that everyone has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art or through any other form of media of his or her choice in accordance with international law;]

161. Reminds States to promote and protect the exercise of the rights set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981, in order to obviate [**discrimination based on religion or belief**] [religious discrimination] which, when combined with certain other forms of discrimination, constitutes a form of multiple discrimination;

162. Calls on States to ensure that lawmakers discharge their responsibilities in conformity with [**their obligations under articles 18, 19 and**] [paragraph 2 of article] 20 of the International Covenant on Civil and Political Rights and articles 4 [**and 5 (d) (8)**] of the International Convention on the Elimination of All Forms of Racial Discrimination, [**and in this regard takes note of**] [taking into account] General Comment 15 of the Committee on the Elimination of Racial Discrimination [and in this regard];

(General provisions on victims, grounds of discrimination)

(Africans and people of African descent)

163. Urges States to put policies in place that promote ethnic and racial diversity in the labour market to meet the need for, in particular, the practical incorporation of women of African descent [**and Asian descent**] into the labour market, in both the public and private sectors, and in income and employment-generation programmes;

164. Urges States to tackle the issue of indigenous young people and those of African descent and violence, particularly in the peri-urban areas of major cities, from a social and human rights perspective in which focus is placed on the strengthening of social capital, assistance to and the building of the capacities of indigenous young people and those of African descent;

NEW PARA: Recommends that States, and international and regional organizations establish independent bodies, where they do not already exist, to receive complaints made by people of African descent and migrants of discrimination in access to housing, education, health, employment and other fundamental rights;

NEW PARA: Urges States to focus new investments on health care, public health, education, electricity, drinking water and environmental control, together with other affirmative action measures in communities principally comprising people of African descent and indigenous peoples;

(People of Asian descent)

165. Calls upon States to continue to address the problems of racism, racial discrimination, xenophobia and related intolerance against people of Asian descent and urges States to take all necessary measures to eliminate the barriers that these persons face in participating in economic, social, cultural and political life **[and to eliminate the use of derogatory words in reference to minority populations and victims of racism and racial discrimination]**;

(Indigenous people [s])

166. Urges States to take measures that, congruent with **[their]** international human rights **[obligations]** [standards] and **[their]** [the] respective legal systems **[permit proper]** [of each State, ensure] access to and/or collective ownership of the lands that have traditionally been owned, occupied or used [in another form] by indigenous peoples and those of African descent, in addition to promoting the productive use thereof, the comprehensive development of the community, and the respect for its culture and the particular characteristics of its decision-making processes;

ALT: Urges States to take measures consistent with international human rights norms and standards to ensure access to and/or collective ownership of the lands that have traditionally been owned, occupied or used in another form by indigenous peoples;

NEW PARA: Urges States to take all necessary measures to implement the rights of indigenous peoples recognized in international instruments of human rights without discrimination; **[To be discussed]**

NEW PARA: Urges States to establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to all their rights without any kind of discrimination; **[To be discussed]**

(Migrants, refugees, asylum seekers, IDPs, stateless persons)

NEW PARA: Calls for the end of all actions violating international human rights and humanitarian law, the respect for the principle of self-determination and the end of all suffering; calls also for the implementation of international legal obligations including the advisory opinion of the International Court of Justice on the Wall and the international protection of the Palestinian people throughout the Occupied Palestinian Territory;

167. Underscores the need to step up efforts to protect the human rights of **[all]** migrants **[whether domestic and international]**, [whatever their migratory status], together with the importance of **[upholding the need of States Parties to comply with the Vienna Convention on Consular Relations]** [upholding the duty of States Parties to the Vienna Convention on Consular Relations to comply with that Convention], including the obligation of States Parties on whose territory foreign nationals are detained to inform them of their **[right to have any communication addressed to the consular post forwarded without delay]** **[to communicate with a consular officer of their own State in the case of arrest or detention]** [right to communicate with their consular officers];

[Proposal to split paragraph]

ALT SPLIT PARA 1: Underscores the need to step up efforts to protect the human rights of **[all]** migrants **[whether domestic and international whatever their migratory status]**;

ALT SPLIT PARA 2: Stresses the importance of upholding of the duty of States Parties to the Vienna Convention on Consular Relations to comply with that Convention, including the obligation of States Parties on whose territory foreign nationals are detained to inform them of their **[right to have any communication addressed to the consular post forwarded without delay]** [right to communicate with their consular officers];

168. Urges States to prevent racist and xenophobic behaviour and practices at country entry points and in reception and waiting areas, in particular vis-à-vis immigrants, refugees and asylum seekers;

ALT: Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitizing them to the issue of racism, racial discrimination, xenophobia and related intolerance, in particular vis-à-vis refugees, immigrants and asylum-seekers;

169. Urges States to establish national programmes to promote the access, without any discrimination **[prohibited by international law]**, of migrants and other racial, ethnic, national, cultural, religious and linguistic groups or minorities **[people of African descent]** and indigenous peoples, where they exist, to **[civil registry,]** **[and all]** basic social services, [including primary education and basic health care];

ALT: Urges States to establish national programmes to promote the access of all without any discrimination to **[civil registry,] and all basic social services;**

170. Renews the call on all States to review and, where necessary, revise [immigration] **[migration]** policies inconsistent with their international human rights obligations, [with a view to eliminating all discriminatory policies and practices against] **[and to respect the human rights and fundamental freedoms of]** migrants, including Asians and people of Asian descent **[people of African descent, indigenous peoples and other vulnerable groups];**

ALT: Renews the call on all States to review and, where necessary, revise its approach in dealing with migration issues, including by strengthening international dialogue on migration and developing real partnerships between countries of origin, transit and destination;

NEW PARA: Urges States to adopt comprehensive measures relating to **[migration]** [immigration], asylum and the situation of foreigners and national minorities that are based on 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 DDPA, which attach priority to respect for their rights;

171. Urges States who **[do not have existing sufficient protections in place]** [have not yet done so] to adopt and enforce new legislation in order to provide protection to migrant domestic workers **[regardless of their migratory status]**, particularly women domestic workers, and to grant migrant workers in domestic service access to **[transparent]** mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on States to promptly investigate and punish all abuses, including ill-treatment;

NEW PARA: Requests States to elaborate a mechanism to restore the rights of migrants who have been victims of a crime because of their condition as foreigners;

NEW PARA: Urges asylum States to fully assume their international obligations in protecting refugees on their own territory against practices that are discriminatory or degrading to their human dignity, and to allow the United Nations High Commissioner for Refugees to accomplish its statutory mandate in this regard and to permit a free access to the refugee population in order to collect all necessary data on such practices;

172. Urges States to step up efforts to protect the human rights internally displaced persons and in discharging their obligations towards internally displaced persons, to use comprehensive strategies, based on a human rights perspective and specialized public care policies, to provide these persons with protection and assistance during their displacement through their competent national institutions, and urges States to commit to seeking lasting solutions, including the safe return of internally displaced persons, in dignified conditions and in accordance with the will of the internally displaced persons, leading to their resettlement and reintegration; **[Adopted ad ref.]**

173. Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality [**or arbitrarily deny them acquisition of nationality, in particular**] [on the grounds of race, color, gender, national or ethnic origin,] especially if such measures and legislation render a person stateless;

NEW PARA: Stresses the importance of mainstreaming the output of the DDPA follow-up mechanisms throughout the United Nations system, in particular its specialized agencies, such as the UNHCR and UNESCO; [**Proposal to move to cluster on the UN**]

(Roma, Gypsies, Sinti, Travellers)

NEW PARA: Recognizes with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and emphasizes the necessity of taking concrete measures to prevent, combat and eradicate these scourges as well as adopting sufficient remedial and compensatory policies or legislation;

ALT: Urges States to take concrete measures to prevent, combat and eradicate persistent racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, [**as well as to adopt sufficient remedial and compensatory policies or legislation**] [**and stresses the need to provide access to just and effective remedies and to provide special protection to victims**];

(Ethnic, linguistic and religious minorities)

NEW PARA: Urges States to introduce legal prohibitions to eliminate racial or religious profiling or profiling based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims, as well as legal restrictions on the dissemination of all ideas based upon racial or religious superiority, hatred and incitement to hatred;

NEW PARA: Calls upon States to review national legislation to eliminate discrimination against persons belonging to national or ethnic, religious or linguistic minorities in access to employment, health care, housing, social services and education;

(Trafficking)

174. ~~Urges States to pass and implement legislation to combat trafficking in persons, particularly women and children, [including people of African descent, indigenous peoples and other vulnerable groups, [including] [such as] migrants,] taking into account the practices that endanger human lives or [lead to] [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 national [laws and policies] [plans] to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld, that victims are [assisted,] protected and their rights [respected] [restituted]; [Agreed]~~

[Proposal to split para. 174]

NEW ALT: Urges States to pass and implement legislation to combat trafficking in persons, particularly 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 and labour exploitation; **[Adopted ad ref.]**

NEW PARA: Urges States to devise, enforce, and strengthen national action plans that integrate a human rights perspective, in particular accounting gender and age, to combat and eliminate all forms of trafficking especially in women and children; **Adopted ad ref.]**

NEW PARA: Urges States to ensure protection and assistance to the victims of trafficking with full respect for their human rights, and actively promote the rehabilitation of the victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and helplines; **[Adopted ad ref.]**

(Contemporary forms of slavery)

(Multiple discrimination)

175. Notes that the character of multiple and aggravated forms of discrimination underscores the need for cross-cutting policies;

NEW PARA: Urges States to support the establishment of national, regional and international monitoring bodies for racist and xenophobic acts on any grounds;

NEW PARA: Urges States to introduce effective legislation to curb racist tendencies based on multiple forms of discrimination and to ensure relief to the victims;

NEW PARA: Recognizing the importance of the role of cultural diversity, urges States to strengthen their efforts to ensure human rights education at all levels to promote tolerance and prevent racism, racial discrimination, xenophobia and related intolerance;

(Women, gender, children)

176. ~~Calls upon States to make progress in formulating programmes and measures to eradicate multiple or aggravated discrimination, particularly gender-based discrimination; [Agreed]~~

ALT: Calls upon States to adopt or strengthen programmes or measures to eradicate multiple or aggravated discrimination experienced by women and girls, in accordance with the DDPA, as a matter of priority; **[Adopted ad ref.]**

NEW PARA: Urges States to adopt all necessary measures, in particular by means of policies and programmes to tackle race-based violence against women and girls, and boost cooperation, prescriptive responses and effective implementation of national legislation and obligations under relevant international instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;

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

NEW PARA (Moved from Para. 55 ALT in Section 1): Emphasizes the protection of and assistance to victims of trafficking in persons and to embark upon a wide range of collective and cooperative-based measures, including inter alia, criminalization of trafficking in persons, particularly women and children, and development of action plans, best practices, standards and procedures for preventing and combating trafficking in human beings with a view to its total eradication;

177. Urges States to ~~[improve existing]~~ [adopt specific] measures to promote a gender perspective and gender mainstreaming and to fight gender discrimination effectively; [Agreed]

ALT: Calls upon States to review, as a matter of priority, the extent to which they have adopted and implemented specific measures to incorporate a gender 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; [Adopted ad ref.]

178. Calls upon States to promote [social equity], **[gender justice]** [gender equality] and women's human rights by strengthening and promoting women's full and equal participation in the political process in their countries and in the decision-making process at all levels;

NEW PARA: Calls upon States to take measures to address the special needs of unaccompanied migrant **[and refugee]** children;

[(Sexual orientation)]

NEW PARA: [Calls upon States to develop and implement public awareness-raising programmes to promote tolerance and respect for all those facing multiple forms of discrimination, including on grounds of sexual orientation and gender identity, and to take steps to prohibit discrimination on these grounds;]

(Persons with disabilities)

[(Anti-Semitism [Islamophobia])]

(General provisions on measures)

NEW PARA: [Urges States to incorporate] [Incorporating] into domestic law [**their respective**] obligations under ICERD, and [**devise**] [devising] legislation and policies that are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level, to complement the general provisions enshrined in national constitutions;

(National legislation)

179. ~~Underlines the importance of combating impunity for crimes with a racist or xenophobic motivation, including through the adoption of appropriate legislation;~~ [**Proposal to move to section 1**] [Agreed]

ALT: Urges States to adopt appropriate legislation to combat impunity for crimes with a racist or xenophobic motivation;

180. Urges States to ~~[combat impunity for crimes with a racist or xenophobic motivation, including through the adoption of appropriate legislation, as well as]~~ amend[ing], rescind[ing] or nullify[ing] [**any laws and**] regulations which ~~[creates or perpetuates racial discrimination]~~ [**have the effect of creating or perpetuating racial discrimination**] [~~can be interpreted as contributing to racism, racial discrimination, xenophobia and related intolerance~~]; [Agreed]

[Proposal to merge paras. 178 and 179]

ALT: Urges States to combat impunity for crimes with a racist or xenophobic motivation, including through adopting appropriate legislation, as well as amending, rescinding or nullifying any laws and regulations which create or perpetuate racism, racial discrimination, xenophobia and related intolerance; [Adopted ad ref.]

181. Urges States to adopt and implement stringent laws against political platforms and ideologies based on racism, racial discrimination, xenophobia and related intolerance or doctrines of racial or national superiority;

ALT: Calls upon States in accordance with their human rights obligations to declare illegal and prohibit [**by law**] all organizations [**and political platforms**] which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial [**and religious**] hatred and discrimination in any form, and undertake to [**introduce strict laws and to**] adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

(Law enforcement, administration of justice, access to justice, sanctions)

182. Urges States to take appropriate measures concerning the consequential effects of racism in all spheres of the enforcement of criminal law, in particular policing, court decisions,

prison rehabilitation and the granting of release on parole or other legal benefits for prisoners;

183. Urges States to bolster protection against racism, racial discrimination, xenophobia and related intolerance, ensuring that everyone [**within their jurisdiction**] enjoys access to the administration of justice, [to competent national tribunals] and other [**appropriate**] State institutions and mechanisms in order to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, and also stresses the importance for complainants of acts of racism and racial discrimination to have access to the protection of the law and the courts [**and stresses the duty to provide access to just and effective remedies and [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 raise awareness of judicial recourse and other existing legal remedies and for these to be easily accessible, speedy and not excessively complicated];

[Proposal to split para. 182]

184. Also recognizes the need to adopt and implement stringent laws, administrative measures and action plans aimed at countering all forms of racism, racial discrimination, xenophobia and related intolerance, to carry out [**fair**] [exhaustive, timely] and impartial investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, [**and bring**] [to] [**prosecute**] [**and**] [penalize] those responsible [**to justice**] in accordance with the law [and to secure prompt and fair reparation for the victims];

NEW PARA: Requests States to prohibit by law and adopt the necessary policy measures to eliminate racial profiling and profiling based on any grounds of discrimination under international human rights law, providing for sanctions for those who violate the law and ensuring effective redress for the victims;

(Monitoring, data collection)

185. Recommends that States establish mechanisms through which disaggregated information can 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 [**indigenous peoples**] and migrants, and that such information provide the basis for the creation and monitoring of policies and practices addressing racial discrimination, xenophobia and related intolerance;

ALT: Recommends that States establish mechanisms through which reliable statistical data which are necessary to assess the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance, including where appropriate on health education, access to housing, employment, criminal justice system, political participation and representation, and that such data provide the basis for the creation and

monitoring of policies and practices addressing racial discrimination, xenophobia and related intolerance;

ALT 2: Recommends that States that have not yet done so to establish mechanisms to collect, compile, analyze, disseminate and publish reliable statistical data and to undertake all other related measures which are necessary to assess regularly the situation of individual and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in accordance with the DDPA;

186. Requests States to produce a system of [[racial equality] indicators and/or a racial equality index] **[including through the collection and use of disaggregated statistics on various groups,]** 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, together with the promotion of racial equality;

ALT: Requests States to produce a system of data collection 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;

(Tackling discrimination in (access to) education, employment, health)

NEW PARA: Requests States to introduce educational curricula aimed at raising awareness of different cultures and civilizations with a fair **[objective and inter-cultural perspective]** [and objective perspective] and with the involvement of the concerned communities;

NEW PARA: Urges States to implement measures to fulfill the right of each person to enjoy the maximum level attainable of physical and mental health, in seeking to eliminate imbalances in health conditions that can stem from racism, racial discrimination, xenophobia and related intolerance;

NEW PARA: Urges States to take measures to facilitate access to medication, treatment, and public education, capacity-building and information programmes to eradicate violence, stigmatization, discrimination, unemployment and other adverse effects for persons living with and affected by HIV/AIDS and other [stigmatizing infectious and contagious] diseases;

NEW PARA: Urges States to put into practice affirmative action programmes with a view to promoting [genuine] equal opportunities and treatment for indigenous students and those of African descent in access to, and remaining in, all levels of high quality education, particularly higher education, together with equality and non-discrimination in access to employment;

NEW PARA: Recruiting for various posts at all levels through affirmative action schemes and establishing institutions with a function of promoting tolerance and inter-cultural harmony through dialogue;

(National action plans)

NEW PARA: Encourages States to devise and implement national and local action plans to foster diversity, equal opportunities, social equity and justice;

NEW PARA: Urges all States that have not developed and/or implemented national action plans to combat racism, racial discrimination, xenophobia and related intolerance [**at the national and local levels**] to elaborate such plans [**with a view to fostering diversity, equal opportunities, social equity and justice**] and monitor their implementation in consultation with relevant stakeholders, [including] [**in particular**] national human rights institutions [and civil society];

NEW PARA: Calls upon States to include a gender perspective in programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of discrimination weighing, in particular, upon indigenous women and those of African descent, together with women from other disadvantaged groups, so that their access to productive resources on equal terms with men is ensured as a means of promoting their participation in economic and productive development of their communities;

((Human rights) education, training or sensitizing professionals, awareness raising, communication)

187. Requests States to include human rights education in national action plans against racism, racial discrimination, 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 grounds of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental condition [**sexual orientation and gender identity**], and on other grounds;
188. 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 preventing and combating all forms of racism, racial discrimination, xenophobia and related intolerance;

NEW PARA: Reaffirms that the eradication of racism, racial prejudice and xenophobia should aim not only at promoting equality and eliminating discrimination but also at promoting interactions between ethnic, cultural and religious communities; [**Adopted ad ref.**]

[**NEW PARA:** Urges States to raise awareness and to implement United Nations General Assembly resolutions 60/7 and 61/255 which inter alia 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 an historical event either in full or in part or any activities to this end;]

189. Encourages States to develop national capacities 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.]

NEW PARA: Urges States, in close cooperation with UNESCO, to promote the implementation of the Declaration and Programme of Action on a Culture of Peace;

(Intercultural dialogue, interreligious dialogue)

190. Urges States, as a matter of priority:

- a. to promote intellectual and political acceptance of [**diversity through a rights-based approach,**] multiculturalism through a rights-based approach to victims of racism, racial discrimination, xenophobia and related intolerance;
- b. to demonstrate firm political will to combat the rise in racial discrimination and religious intolerance, and to promote mutual respect and understanding of cultural diversity;

NEW SUB-PARA: While ensuring that no one invokes cultural diversity to infringe upon human rights guaranteed by international law nor limit their scope;

191. 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 amongst various cultures and civilizations; [Adopted ad ref.]

192. Invites States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels, [**and to give due consideration to**] [taking into account] the recommendations of the [**relevant special procedures and United Nations bodies**] [Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on freedom of religion or belief];

ALT: 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, taking into account the recommendations of the concerned treaty bodies and special procedures;

(Political parties and programmes, political participation, Parliaments)

193. Urges States to [**encourage political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system**] [**envisage**] [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, [and to study the possibility of introducing, [**where necessary and**] whenever possible, [**special measures**] [**positive measures**] [affirmative action quotas] for the

election to Parliaments of indigenous and female representatives and persons of African descent];

[Proposal to split para. 193]

NEW PARA: Urges States to study the possibility of introducing, whenever possible, positive measures for the election to Parliaments of indigenous and female representatives and persons of African descent;

194. Urges States to improve democratic institutions [**including by supporting the conduct of democratic elections**], so that they are more fully participatory and avoid marginalization, exclusion of and discrimination against specific sectors of society, for instance by accepting electoral support proposals;

[Proposal to merge paras. 193 and 194]

NEW PARA: Calls upon States to undertake [**effective**] [appropriate] measures to quell the elaboration and implementation of racist and racially-based political programmes, [and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist and racial ideas or motivations];

195. 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;

(Affirmative action, positive measures)

196. [Encourages States to promote strategies, programmes and policies, including [affirmative action] [**and special measures**] [**special measures when the circumstances so warrant, including affirmative action**], [at the national [**or local**] level] [**to secure adequate advancement of certain racial or ethnic groups or individuals requiring such protection and**] to realize fully the civil and political, [**economic, social and cultural**] rights of victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to political, judicial and administrative institutions;]

197. [Encourages States to promote at the national level strategies, policies and programmes, including affirmative action, for the promotion and protection of the economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance and for affording greater opportunities to them to share in the prosperity and wealth of the societies they live in, as well as for guaranteeing that the benefits of development, science and technology contribute effectively to the improvement of the quality of life of such victims and remedy historical exclusion;]

198. [Urges States to focus new investments on health care, education, public health, electricity, drinking water [**food**] and environmental control, together with other

affirmative action measures in communities principally comprising people of African descent and indigenous peoples;]

(National institutions, national specialized bodies and mechanisms)

NEW PARA (moved from Section 1): Calls on States [**that have not yet done so**] [**special measures when the circumstances so warrant**] to devise programmes and create national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles [and to ensure that institutions be representative and inclusive, have focal points on racisms, racial discrimination, xenophobia and related intolerance and have the capacity to receive and address complaints in this regard];

ALT: [[**Encourages**] [**Urges: DDPA reference**] [Calls upon] States that have not yet done so to [**consider establishing**] [establish] national institutions for the promotion and protection of human rights in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles, and to ensure such institutions have focal points on racism, racial discrimination, xenophobia and related intolerance, as well as the capacity to contribute to effective remedies to victims;]

199. [**Encourages**] [Calls upon] States [**that have not yet done so**] to establish and equip specialized [State] [**or other**] bodies and mechanisms [**to implement**] [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;

(Media)

200. Urges States to take necessary measures to denounce, actively discourage and prohibit, [**in accordance with relevant international human rights law, the incitement to [racial and religious] hatred**] [the transmission of [**all kinds of discriminatory**] racist and xenophobic messages] through all communications media, including new communications technologies such as the Internet;

NEW PARA (moved from Section 1): Calls on States in compliance with the DDPA to elaborate a voluntary ethical code of conduct in association with the International Federation for Journalists to address racism in the media and other modern information and communication technologies while taking into account fundamental issues, such as the right to freedom of expression and to eliminate the projection and perpetuation through the media and new technologies of negative images and stereotypes of African people and people of African descent;

(Civil society, NGOs)

201. Requests all States to protect human rights defenders in particular those working on racism, racial discrimination, xenophobia and related intolerance and allow them to work freely for the promotion and protection of human rights; [**Adopted ad ref.**]

202. Invites States to provide and, where appropriate, to increase funding for civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance; **[Adopted ad ref.]**

203. Renews our commitment to create an atmosphere conducive to the effective functioning of human rights non-governmental organisations and to adhere to international obligations concerning human rights non-governmental organisations, and to lift any unlawful barriers to their effective functioning;

ALT: **[Calls upon]** **[Requests [all]]** **[Urges]** **[[Strongly] Encourages]** [Invites] States to create an atmosphere conducive to the effective functioning of non-governmental organizations in accordance with international human rights norms and [standards] **[obligations, including by lifting any unlawful barriers to their effective functioning]** [and to lift any unlawful barriers to their effective functioning];

Action at the Regional level

(Regional organizations)

204. Urges States to improve governmental and inter-institutional coordination mechanisms at the regional level in efforts to combat all forms of discrimination and to strengthen cooperation thereon with regional and international organizations; **[Adopted ad ref.]**

205. **[Encourages]** **[Calls for]** [Recommends] the establishment **[or strengthening]** of regional mechanisms against racism and discrimination, including complaint mechanisms **[and [mechanisms to] examine the effectiveness of such measures taken to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance];**

ALT: Calls **[upon States]** for the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent [and] combat **[and eradicate]** racism, racial discrimination, xenophobia and related intolerance;

Action at the International level

(International cooperation)

206. [Resolves to extend [international] cooperation **[between States]** to maximize the benefits of globalization with a view to the realization of **[civil and political rights, as well as]** 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];

207. 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 **[strengthen efforts towards fighting against**

[irregular] [illegal] migration] [trafficking and smuggling of human beings], [trafficking in human beings], including migrants, which may lead to violence, discrimination, exploitation and abuse] [devise policies to escort and protect nationals abroad in accordance with the applicable legal arrangements];

208. [Calls for the adoption of] [Recognizes the need for] a comprehensive and balanced approach in dealing with migration issues, including by strengthening international dialogue on migration, developing real partnerships between countries of origin, transit and destination and exploring all possible synergies between the management of migration and the promotion of development];
209. [Urges replication of the policy of a major destination State on the collection, compilation, analysis and publication of reliable statistical data on irregular migrants pursuant to paragraph 92 of the Durban Programme of Action so as:
- a. To assess by sector the gap between national labour demand and supply;
 - b. 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;]

210. Urges States to strengthen bilateral, regional and international cooperation on the trafficking in persons, especially women and children, and to facilitate the work of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children and non-governmental organizations that provide assistance to victims; [Adopted ad ref.]

(Sports)

211. Invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;
212. 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 the 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;

The international legal framework

(International legislation, soft law, code of conduct)

213. 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;

214. Urges States to consider acceding to and ratifying the Convention on the Rights of Persons with Disabilities to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;
215. Underlines the importance of combating impunity at the international level for crimes with a racist or xenophobic motivation, including through the adoption of appropriate legislation;
216. Stipulates that national laws alone cannot deal with the issue of defamation or negative stereotyping of religions. A framework is needed to provide guidelines for States – aimed at countering defamation of religions;
217. 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 ethical conduct with a view to prohibiting the proliferation of ideas of superiority and the justification of racial or religious hatred and discrimination in any form, and promoting mutual respect and tolerance among all peoples;
218. Calls for a voluntary ethical code of conduct to be elaborated, in association with the International Federation for Journalists, to address racism in the media and other modern information and communication technologies, while taking into account fundamental issues such as the right to freedom of expression, and to eliminate the projection and perpetuation through the media and new technologies of negative images and stereotypes of African people and people of African descent;

(Human Rights Committee)

219. Invites the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to adopt a joint general comment on 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, further clarifying and defining, inter alia, States' obligations thereunder and the threshold beyond which an act constitutes a violation thereof, bearing in mind general comment 11 of the Human Rights Committee and general recommendation 15 of the Committee on the Elimination of Racial Discrimination;

(Complementary standards)

220. Urges the Ad Hoc Committee on the Elaboration of Complementary Standards to continue working with a view to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and providing new normative standards aimed

at combating all forms of contemporary racism, including incitement to racial and religious hatred;

The Human Rights Council and its Mechanisms

(Human Rights Council)

221. Encourages States to include in their national reports to the universal periodic review mechanism of the United Nations Human Rights Council information on measures being taken to combat racism, racial discrimination, xenophobia and related intolerance;
222. In order to combat impunity for crimes of genocide, recommends the Human Rights Council to address the issue of genocide, as recognized by the United Nations;
223. Requests the Human Rights Council to continue promoting an in-depth intercultural and interreligious dialogue, aimed at joint actions on issues such as peace, human rights and development;
224. Requests the Advisory Committee to fully take into account when preparing the draft Declaration on Human Rights Education and Training the objective of promoting understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
225. Calls on the Human Rights Council to suitably observe annually the UN General Assembly designated International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25 March) and to consider, inter alia, building on the efforts of the Slave Route Project of UNESCO;
226. Requests the Human Rights Council to organize a seminar or panel discussion on all aspects of the transatlantic slave trade provisions of the Durban Declaration and Programme of Action and General Assembly resolutions 61/19 and 62/122, taking into consideration African Union initiatives on this issue;

(Special Procedures)

227. Calls on all mandate-holders of special procedures to keep in mind recommendations of DDPA follow-up mechanisms while reporting on their respective themes /mandates. Resolutions on racism-related subjects should also include and give prominence to the recommendations of these mechanisms;
228. Calls upon the Human Rights Council to grant the mechanisms increased competence in the area of follow-up, such as the power to submit additional requests for information on the implementation of recommendations and follow-up visits;
229. Invites the Special Rapporteur on Trafficking in Persons, especially women and children, while performing her/his function, to take into consideration 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;

Action by OHCHR/UN system

(OHCHR)

230. Calls on the High Commissioner for Human Rights to make the struggle against racism, racial discrimination, xenophobia and related intolerance a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights;
231. Calls on the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit to the rank of division and strengthen it with additional resources and staff to better serve 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;
232. 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;
233. Invites the High Commissioner to fully implement the mandate given to her Office in the Durban Declaration and Programme of Action and in particular to collect and disseminate data and best practices on the fight against racism and discrimination all over the world, including national action plans and legislation;
234. Requests the Office of the High Commissioner for Human Rights to establish the observatory for racist incidents proposed by the Special Rapporteur on racism;
235. Requests the Human Rights Council to draw up guidelines on the collection of disaggregated information;
236. Requests the United Nations High Commissioner for Human Rights to consider the possibility of creating a racial equality index, 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, as was proposed by the independent eminent experts on the implementation of the DDPA;
237. Urges the Office of the High Commissioner on Human Rights to continue to raise awareness of and bring visibility to the mechanisms through campaigns and other special events, including at the national level in cooperation with concerned States;

238. Calls on the Office of the United Nations High Commissioner for Human Rights to continue its support to African States in the process of establishing national institutions by providing training and resources;
239. 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;
240. Invites the High Commissioner to pursue its collaboration with regional and national bodies dealing with the fight against racism and discrimination;

(UN)

NEW PARA: Recommends that the United Nations create a fellowship programme for people of African descent, establish a voluntary fund to facilitate the participation of civil society, including NGOs and NHRIs that represent people of African descent and migrants in meetings and activities of mechanisms for the follow-up to the DDPA.

NEW PARA: Stresses the importance of mainstreaming the output of the DDPA follow-up mechanisms throughout the United Nations system, in particular its specialized agencies, such as the UNHCR and UNESCO

NEW PARA: Encourages UNESCO to pursue its work aimed at mobilizing municipal authorities and local governments against racism, racial discrimination, xenophobia and related intolerance, particularly through its Coalition of Cities against Racism and Discrimination initiative.

241. 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, and encourages States to seek assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;
242. Calls for the Working Group of Experts on People of African Descent to be established as a United Nations permanent forum on people of African descent;
243. Recommends also that the United Nations create a fellowship programme for people of African descent;
244. Call on the United Nations system, in particular the United Nations Department of Public Information (UNDPI), to undertake effective media campaigns to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow up mechanisms;

245. Requests that appropriate measures be taken to extend the mechanisms for the participation of non-governmental organizations and other civil society organizations – with the financial support required for their development – in the activities and meetings of the United Nations system against racism, racial discrimination, xenophobia and related intolerance;

Adequate resources and funding

(Technical cooperation)

246. Acknowledges the need to allocate additional funds to implement anti-discrimination policies through international cooperation and technical assistance;

(CERD)

247. Taking into account the difficulties encountered by the Committee on the Elimination of Racial Discrimination in its activities, urges the United Nations to strive to enhance the Committee's capabilities by providing it with more time and resources to enable it to discharge fully its mandate under the 1965 Convention;
248. Stresses the importance of and invites States Parties to the ICERD to ratify the amendment to its article 8, on the financing of the Convention, and requests that sufficient additional resources be allocated for that purpose from the regular budget of the United Nations, so that the Committee may discharge its mandate fully;

(Follow-up mechanisms)

249. Requests the Secretary-General to provide the resources required for the effective discharge of the mandates of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, the independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;
250. Recommends that a voluntary fund be created to facilitate the participation of civil society, including non-governmental organizations and national human rights institutions that represent people of African descent and migrants, in meetings and activities of mechanisms for the follow-up to the Durban Declaration and Programme of Action;