

# **Outcome document of the Durban Review Conference**

9. *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;

10. *Condemns* legislation, policies and practices based on racism, racial discrimination, xenophobia and related intolerance which are incompatible with democracy, transparent and accountable governance;

11. *Reaffirms* that democracy and transparent, responsible, accountable and participatory governance at the national, regional and international levels, responsive to the needs and aspirations of the people, are essential to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

12. *Deplores* the global rise and number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism manifested in particular by the derogatory stereotyping and stigmatization of persons based on their religion or belief; and in this regard urges all the UN Member States to implement paragraph 150 of the DDPA;

13. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law; reaffirms further that all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts shall be declared offence punishable by law, in accordance with the international obligations of States and that these prohibitions are consistent with freedom of opinion and expression;

14. *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 and deplores the occurrences of armed conflicts as well as ethnic or religious violence, and notes relevant provisions of the 2005 World Summit outcome, in particular paragraphs 138 and 139;

15. *Reaffirms* that the principles of equality and non-discrimination are fundamental principles of international human rights law and international humanitarian law that are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;

16. *Expresses its appreciation* for progress made in addressing the situation of the victims of racism, racial discrimination, xenophobia and related intolerance identified in the Durban Declaration and Programme of Action, while regretting that racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, still persist;

17. *Acknowledges* that all victims of racism, racial discrimination, xenophobia and related intolerance should receive the same necessary attention and protection and accordingly appropriate treatment;

18. *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;

19. *Stresses the need* to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures;

20. *Notes with appreciation* the activities at the local and national levels of various information networks on racism, racial discrimination, xenophobia and related intolerance which collect relevant information and develop strategies, while also highlighting and disseminating good practices which could assist national bodies and institutions in the development of strategies to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

21. *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;

22. *Recognizes* steps taken at national level to promote human rights education in all parts of the world after the adoption in 2001 of the Durban Declaration and Programme of Action, particularly in order to sensitize the public at large and to foster respect for cultural diversity;

23. *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;

24. *Welcomes* the numerous awareness-raising activities involving States aimed at the fight against racism, racial discrimination, xenophobia and related intolerance, including through financial support for the projects of civil society;

25. *Notes with concern* the precarious situation of human rights defenders and non-governmental organizations, including anti-racist non-governmental organizations, which undermines the struggle against racism, racial discrimination, xenophobia and related intolerance;

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

27. *Recalls* the importance of a competent, independent and impartial judiciary to determine in a fair and public procedure whether allegations and facts before it constitute acts of racism, racial discrimination, xenophobia and related intolerance according to international human rights law in order to ensure effective remedies and adequate redress for the victims;

28. *Reaffirms* its call upon States to implement all commitments resulting from international and regional conferences in which they participated, and to formulate national policies and action plans to prevent, combat, and eradicate 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**

29. *Takes note with appreciation* of the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, undertaken by all mechanisms established following the request of the WCAR, namely the Intergovernmental Working Group on the effective implementation of the DDPA, the Working Group of Experts on People of African descent and the Independent Eminent Experts Group, and of the contributions they have made to implement the DDPA;

30. *Welcomes* the important role played by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant special procedures and mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance and calls on States to cooperate fully with these mechanisms;

31. *Acknowledges the need* to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity in their work;

32. *Reaffirms its 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;

### SECTION 3

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

33. *Reaffirms* that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

34. *Affirms* that full implementation of the Convention is fundamental for the fight against all forms and manifestations of racism and racial discrimination occurring today worldwide;

35. *Takes note* of the interpretation given by the Committee on the Elimination of Racial Discrimination to the definition of the concept of racial discrimination as contained in the Convention, so as to address multiple or aggravated forms of discrimination;

36. *Welcomes* the ratification of the ICERD by a number of countries since the 2001 World Conference, while regretting that the goal of universal ratification by 2005 was not achieved;

37. *Renews* in this context its call to States that have not yet done so to consider ratifying or acceding to the Convention as a matter of high priority;

38. *Reiterates* its call to States parties to

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

43. *Encourages* non-governmental organizations to continue to provide the Committee with relevant information for the reporting process;

44. *Notes with appreciation* the early warning and urgent action procedure, as well as the follow-up procedure established by the CERD, which, applied in cooperation with States concerned, can play a conducive role for a proper implementation of the Convention;

45. *Emphasizes the importance* of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the Committee;

46. *Emphasizes*, while acknowledging the primary responsibility of States to implement their obligations under the Convention, that international cooperation and technical assistance play an important role in assisting countries with the implementation of their obligations under it and the follow-up to the recommendations of Committee, and calls on the OHCHR to provide, upon request, timely assistance to countries which have capacity and other constraints;

47. *Stresses* the importance of and invites States parties 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;

#### **SECTION 4**

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

48. *Takes note with interest* of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including, inter alia, institutions

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

## **SECTION 5**

58. *Stresses* that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic



print, audio-visual or electronic media or any other means, and emanating from a variety of sources;

69. *Resolves* to, as stipulated in art. 20 of the ICCPR, fully and effectively prohibit any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence and implement it through all necessary legislative, policy and judicial measures;

70. *Urges* States to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular their practical incorporation into the labour market and in income and employment-generation programmes;

71. *Urges* States to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to, and building the capacity of indigenous youth and youth of African descent;

72. *Urges* States to direct their special measures, including affirmative or positive measures, and strategies or actions, as well as new investments in health care, public health, education, employment, electricity, drinking water and environmental control, to communities of African descent and indigenous peoples;

73. *Welcomes* the adoption of the UN Declaration on the rights of indigenous peoples which has a positive impact on the protection of victims and, in this context, urges States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments without discrimination;

74. *Welcomes* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and urges States to step up efforts to protect the human rights of all migrants regardless of their immigration status;

75. *Urges* States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum seekers, and in this context encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

76. *Urges* States to take measures to combat 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 the targeting of migrants, refugees and asylum-seekers;



85. *Notes with concern* the increased instances of multiple or aggravated forms of discrimination and reiterates that such discrimination affects the enjoyment of human rights and can lead to particular targeting or vulnerability and urges States to adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena;

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

87. *Stresses*, in the context of multiple discrimination, the need to treat all forms of violence against women and violence against children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies, and the importance of providing specialized assistance and rehabilitation to victims, including medical and psychological assistance and effective counselling;

88. *Calls upon* States to review, as a matter of priority, the extent to which they have adopted and implemented policies, programmes and specific measures to incorporate a gender<sup>1</sup> perspective in all programmes and plans of action to combat racism, racial discrimination, xenophobia and related intolerance and invites States to include an assessment of the effectiveness of such programmes and plans of action in reports to relevant treaty bodies;

89. *Acknowledges* that although all children are vulnerable to violence, some children, because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;

90. *Recognizes* that victims of slavery, slavery-like practices, contemporary forms of slavery, debt bondage, sexual exploitation or labour exploitation, are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girls often suffer multiple forms of discrimination, victimization, and violence; and stresses, in this regard, that contemporary forms and manifestations of slavery need to be investigated by different stakeholders and given greater prominence and priority if these practices are to be eradicated once and for all;

91. *Urges* States to enact and implement legislation, and to devise, enforce, and strengthen national, regional and global action plans that integrate a human rights perspective, in particular accounting for gender and age, to combat and eliminate all

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

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

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

93. *Urges* States in which the victimization of trafficked persons occurs to ensure the protection of and assistance to the victims of trafficking with full respect for their human rights, and to 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

98. *Urges* States to combat impunity for crimes with racist or xenophobic motivations, 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;

99. *Calls upon* States, in accordance with their human rights obligations, to declare illegal and to prohibit all organizations 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 national, racial and religious hatred and discrimination in any form, and to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

100. *Urges* States to ensure that everyone within their jurisdiction, including victims of racism, racial discrimination, xenophobia and related intolerance enjoys access to justice, as well as access to appropriate State institutions and mechanisms in order to seek recognition of wrong-doing and just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counseling and draws attention to the need to increase awareness of judicial recourse and other existing legal remedies and for these to be readily and easily accessible;

101. *Calls on* States to ensure that investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, are carried out in an impartial, timely and exhaustive manner, that those responsible are brought to justice in accordance with the law, and that victims receive prompt, just and adequate reparation or satisfaction for any damage;

102. *Calls upon* States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds and prohibit it by law;

103. *Recommends* that States that have not yet done so establish mechanisms to collect, compile, analyze, disseminate and publish reliable and disaggregated statistical data, and undertake all other related measures necessary to regularly assess the situation of all victims of racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action;

104. *Recommends* States to develop a system of data collection, including equal-opportunity and non-discrimination indicators that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, and to consider, where appropriate, seeking the assistance of OHCHR;

105. *Urges* States to establish national programmes that facilitate the access of all to basic social services without discrimination;

106. *Reaffirms* that the eradication of racism, racial discrimination, xenophobia and related intolerance should aim not only at promoting equality and eliminating discrimination but also at promoting interaction, social harmony and integration, respect for tolerance and diversity among ethnic, cultural and religious communities;







124. *Requests* the Human Rights Council to consider the necessary measures to enhance the effectiveness of the follow up mechanisms to the DDPA and to ensure

134. *Takes note* of the proposal of the OHCHR, in cooperation with regional stakeholders in all parts of the world, to organize in light of the OHCHR Expert Seminar on the links between art. 19 and 20 of the ICCPR a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, in order to assess the level of implementation of the prohibition of incitement, as stipulated in article 20 of the ICCPR, without prejudice to the mandate of the Ad Hoc Committee on the Complementary Standards;

135. *Encourages* OHCHR to intensify its collaboration with international and regional bodies dealing with the fight against racism, racial discrimination, xenophobia and related intolerance;

136. *Welcomes* the proposal of the High Commissioner for Human Rights to incorporate the implementation of the Durban Declaration and Programme of Action in the human rights mainstreaming in the whole UN system and, in this regard, takes note with appreciation of the plan of the High Commissioner to make its implementation a standing agenda item in her high-level consultations with United Nations partners with due regard to her entire mandate, to be followed up at the working level by an inter-agency task force;

137. *Emphasizes the need* for the relevant UN bodies and specialized agencies to provide, within the mainstreaming of the implementation of the DDPA, technical cooperation to enhance its effective implementation, and in this context encourages States to seek assistance to establish or improve national policy

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and experts, in the work of the Intergovernmental Working Group on the effective implementation of the DDPA;

142. *Welcomes* the important role of the United Nations Educational Scientific and Cultural Organization (UNESCO) and encourages it 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, Discrimination, Xenophobia and Related Intolerance initiative and its integrated strategy to combat racism, racial discrimination, xenophobia and related intolerance;

143. *Calls on* the United Nations system, in particular the Department of Public Information of the Secretariat, 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.

