

23 January 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 document**¹

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, Friday, 23 January 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. [Noign/M ign/M ign/M i]BDC BT/TT0 1 aNd2 459.36 Tm(1.and83eTj/TT0/TT1 as it was) 22 BDC BT/

any doctrine of racial superiority along with theories which attempt to determine the existence of

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

(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,

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 phT275 -11-.7014 Tc 0.0005 16.89385 0 Tdes m es mul cu

[(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;]

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 di

46. 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 mana

our common endeavours to address several contemporary issues, including the fight against terrorism and the occupation of foreign territories and peoples;

(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 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;
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;

(Contemporary forms of slavery)

57. Recalling that slavery and slavery-like practices were recognized in the DDPA as 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 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;
59. Stresses that the issue of contemporary forms of slavery needs to be given greater prominence and priority if these practices are to be eradicated once and for all; (para 16 section 1)

(Multiple discrimination)

60. Reiterates that discrimination 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 of race and religion since 2001;

(Women, gender, children)

62. Strongly condemns all acts of violence, whether these acts are perpetrated 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 the family, within the general community, and where perpetrated or condoned by the State, in accordance with 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 children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance and effective counseling;
64. Underlines the challenges and obstacles to changing discriminatory attitudes and gender stereotypes and stresses that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women;
65. Recognizes with concern that instances of racism, racial discrimination, xenophobia and related intolerance lead to sexual exploitation of women and children especially the girl child;
66. Acknowledge that although all children are exposed to violence, some children, because of their gender, race, ethnic origin, disability or social status, are particularly vulnerable;

(Migrant women)

67. Expresses deep concern at continuing reports of grave abuses and violence committed against migrant women and 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;

(HIV/AIDS)

68. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate multiple discrimination against persons living with HIV/AIDS;

(Sexual orientation)

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

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;
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 organizations, the media, non-governmental organizations and civil society can play in developing such measures and building confidence between different racial and ethnic groups;

(Monitoring, data collection)

72. Notes with appreciation the activities of 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 in tackling them;
73. Acknowledges the importance of making progress in gathering data and other human development indicators 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 such social and economic indicators 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;

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

74. Welcomes the adoption of legislation to address discrimination and victimization in employment and training, the provision of goods, facilities and services, education, housing and public functions;
75. Welcomes preventive initiatives to tackle discrimination in employment such as 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;

(National action plans)

((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, is key for the promotion of respect for the cultural diversity of societies, and contributes significantly to promoting equality and preventing conflict and human rights violations, as well as enhancing participation and democratic values, with a view to developing societies in which all human beings are valued and respected;
77. Recognizes that national legislation to promote human rights education has been approved in all regions of the globe after the adoption in 2001 of the DDPA, particularly in order to sensitize the public at large with regard to the cultural identity of minorities;
78. Acknowledges the development and implementation of training and educational activities on human rights from an anti-racist and anti-sexist perspective, in particular for public officials, as well as awareness-raising and information campaigns;

(Intercultural dialogue, interreligious dialogue)

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

(Media)

84. Takes note that while much progress is still needed, particularly in the area of 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. 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

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

98. Recognizes the valuable role played by regional organisations and institutions in the fight against racism, racial discrimination, xenophobia and related intolerance;
99. Notes financial initiatives 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 intolerance and discrimination against Muslims;
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;
102. Re-emphasizes the importance of international cooperation to promote (a) the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation of international treaties and instruments that forbid these practices; (c) the implementation of the United Nations and of States' obligations in this regard; and (d) the elaboration of further global strategies to combat 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 0.4S0.0004 d[(Effective wit)]a mandat8v(hg.)8(a

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 regczf the ;] EMC /P ~~MCII~~

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

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**

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.]**
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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;]

[Apologies, reparations, restitutions and compensations];

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**

[**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;

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 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, to do so at the earliest;

(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 to eliminate this practice, to provide sanctions for those who violate the law, and to ensure effective redress for victims;

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

take all necessary measures to eliminate the barriers that these persons face in participating in economic, social, cultural and political life;

(Indigenous people)

166. Urges States to take measures that, congruent with international human rights standards and the respective legal systems of each State, ensure access to and/or collective ownership of the lands that have traditionally been owned, occupied or used in another

persons, in dignified conditions and in accordance with the will of the internally displaced persons, leading to their resettlement and reintegration;

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

(Roma, Gypsies, Sinti, Travellers)

(Ethnic, linguistic and religious minorities)

(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, such as migrants, taking into account the practices that

racial discrimination, xenophobia and related intolerance, together with the promotion of racial equality;

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

(National action plans)

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

187. Requests States to include human rights education in national action

192. Invites States to promote intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grass-roots levels, taking into account the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on freedom of religion or belief;

(Political parties and programmes, political participation, Parliaments)

193. Urges States to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society, and to study the possibility of introducing, whenever possible, affirmative action quotas for the election to Parliaments of indigenous and female representatives and persons of African descent;
194. Urges States to improve democratic institutions 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;
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, at the national level to realize fully the civil and political 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 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)

199. Calls upon States to establish and equip specialized State bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia

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 devise policies to escort and protect nationals abroad in accordance with the applicable legal arrangements;
208. 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, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;

(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;

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

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)

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)

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

(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)