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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Regional Conference of the Americas on Progress and
Challenges in the Programme of Action against Racism, Racial
Discrimination, Xenophobia, and Related Intolerance**

Note by the United Nations High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the members of the Human Rights Council the report of the Regional Conference of the Americas on Progress and Challenges in the Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Brasilia from 26 to 28 July 2006. The report is submitted pursuant to Council decision 2/102.

Summary

This document contains the report of the Regional Conference of the Americas on Progress and Challenges in the Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Brasilia from 26 to 28 July 2006. The Regional Conference was convened jointly by the Governments of Brazil and Chile and received support from the Office of the United Nations High Commissioner for Human Rights. The Regional Conference's main goals were the following: to review the implementation of the Durban Declaration and Programme of Action by Member States of the region, national institutions, regional and international organizations, non-governmental organizations and other agents in the region; to review the progress made in efforts to combat racism; to analyse the main and emerging obstacles in the region in the area of racism and come up with ideas for overcoming them; and to identify best practices by Member States, including the creation of specific bodies or mechanisms and the adoption of national action plans against racism and discrimination.

The Regional Conference also considered ways of better ensuring the implementation of the Durban Declaration and Programme of Action and other existing regional and international instruments and formulated specific recommendations for combating all forms of racism, racial discrimination, xenophobia and related intolerance.

CONTENTS

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. ORGANIZATION OF THE CONFERENCE	1 - 23	4
A. Opening ceremony	2 - 4	4
B. Attendance	5	4
C. Introduction of officers	6	4
D. Organization of work and other matters	7 - 9	4
E. Plenary meeting	10 - 14	5
F. Mini-plenary meetings	15 - 22	6
II. FINAL DOCUMENTS OF THE CONFERENCE	23 - 28	7
A. Reports of the mini-plenary meetings	23 - 27	7
B. Conclusions of the Conference	28	17
Annex		
I. List of participants		22

I. ORGANIZATION OF THE CONFERENCE

1. The Regional Conference of the Americas on Progress and Challenges in the Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Brasilia from 26 to 28 July 2006, convened jointly by the Governments of Brazil and Chile.

A. Opening ceremony

2. During the opening ceremony, held on 26 July 2006 in the Planalto Palace, an African-inspired indigenous spiritual ceremony took place.

3. The Conference was officially opened by Ms. Matilde Ribeiro, Minister of the Special Secretariat for the Promotion of Racial Equality (SEPPPIR) of Brazil, Mr. Antonio Aguiar Patriota, Assistant Secretary-General for Multilateral Political Affairs of the Brazilian Ministry of Foreign Affairs and Mr. Juan Martabit, Permanent Representative of Chile to the United Nations Office at Geneva and Chairperson of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

4. The following speakers also took the floor: Ms. María Francisca Ize-Charrin, Special Representative of the United Nations High Commissioner for Human Rights and Director of the Operations, Programmes and Research Division of the Office of the United Nations High Commissioner for Human Rights; Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Ms. Edna Santos Roland, independent expert on the implementation of the Durban Declaration and Programme of Action; Mr. Marcos Terena and Ms. Epsy Campbell Barr, representatives of the International Organizing Committee of the Regional Conference of the Americas; and civil society representatives.

B. Attendance

5. The Regional Conference was attended by representatives of the States Members of the United Nations of the region and representatives of United Nations organs, mechanisms and programmes, specialized agencies, intergovernmental organizations, national human rights institutions, other entities, non-governmental organizations and other guests. For the list of participants, see annex I.

C. Introduction of officers

6. The Chairperson and Vice-Chairperson of the Regional Conference were Ms. Matilde Ribeiro and Mr. Juan Martabit, respectively, from the two countries that convened the Conference.

D. Organization of work and other matters

7. The Regional Conference decided that general statements would be made in two plenary meetings, one for States and one for civil society.

8. Also at its first plenary meeting, the Regional Conference considered the organization of its work and agreed to create four “mini-plenaries”, corresponding to the following subregions:

Central America and the Spanish-speaking Caribbean, the Andean region, the Southern Cone and North America and the English-speaking Caribbean. These mini-plenary meetings would comprise State and civil society representatives.

9. It was further agreed at the first plenary meeting that the final documents of the Regional Conference would comprise the reports of the mini-plenaries and the conclusions of the Regional Conference, presented by the Chairperson.

E. Plenary meeting

10. At the second plenary meeting, a report was submitted on the review and appraisal of the implementation of the Durban Declaration and Programme of Action, prepared by Mr. Alvaro Bello, consultant to the Office of the United Nations High Commissioner for Human Rights.

11. At the third plenary meeting, held on 27 July 2006, the following State representatives took the floor: Mr. Guillermo Rishchynski, Ambassador of Canada; Mr. Gilberto Rincón Gallardo, President of the National Council for the Prevention of Discrimination (CONAPRED) of Mexico; Mr. Pedro Vaz Ramela, Ambassador of Uruguay to Brazil; Mr. Marín Nazareno Chávez, National Executive Secretary of the Council for Afro-Ecuadorian Development (CODAE) of Ecuador; Ms. Ana Elizabeth Cubias Medina, Assistant Director of Foreign Policy of the Ministry of Foreign Affairs of El Salvador, Ms. Clara Inés Vargas, Director of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs of Colombia; Mr. Juan Martabit, Ambassador of the Permanent Mission of Chile to the United Nations Office at Geneva; Mr. Roger Echeverría, Legal Adviser to the Office of the Deputy Minister for Foreign Affairs for Africa of the Bolivarian Republic of Venezuela; Ms. Matilde Ribeiro, Minister of the Special Secretariat for the Promotion of Racial Equality (SEPPIR) of Brazil; Ms. Ana González, Director of the Office of Human Rights of Argentina; Mr. Rafael Bernal, Deputy Minister for Culture of Cuba; Mr. Jorge Ramírez, representative of the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples (INDEPA) of Peru; Mr. Juan Bosco Bernal, Ambassador of Panama to Brazil; Mr. Pedro Gumucio Dagron, Chargé d'Affaires of the Embassy of the Republic of Bolivia in Brazil; Ms. Liza Tuckler, Counsellor of the Ambassador of Nicaragua to Brasilia; and Mr. Manuel Estuardo Roldán Barillas, Ambassador of Guatemala to Brazil.

12. At the same meeting, the following speakers took the floor: Mr. Manuel María Páez Monges, Ombudsman of Paraguay, and Ms. Annick Thebia-Melsan of the International Organization of la Francophonie (OIF).

13. At the fourth plenary meeting, held on 27 July 2006, the following representatives of civil society organizations addressed the Regional Conference: Ms. María das Graças Tapajós Mota, representative of indigenous peoples; Mr. Alejandro Rojas, representative of migrants; Ms. Sergia Galván, representative of peoples of African descent; Ms. Thatiane Silva and Mr. Martín Negrete, youth representatives; Ms. Sonia María Nacimiento and Mr. Jacimar Almeida Gouvea, representatives of women; Ms. Márcia Cabral, representative of gays, lesbians, transsexuals and bisexuals; and Mr. Cláudio Giovanovitch, representative of the Roma and gypsy peoples.

14. The following civil society representatives also made statements: Mr. Joel Zito Araújo of the Brazilian Film-Makers' Association; Ms. Ana Irma Rivera Lassen of Feministas en Marcha/Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) (Puerto Rico); Ms. Gisela Arandia Covarrubias of Colorcubano - Union of Writers and Artists of Cuba (Cuba); Ms. Epsy Campbell Barr of the Costa Rican Women's Centre (Costa Rica); Ms. Ramona Ortega of the United States Human Rights Network (United States of America); Ms. Sonia Bloomfield Ramagem of B'nai B'rith of Brazil (Brazil); Ms. Eunice Meneses Araújo of the National Coordinating Committee of Panamanian Black Organizations (Panama); Mr. Gilberto Leal of the National Coordinating Committee of Black Entities (CONEN) (Brazil); Ms. Lucía Molina of the Indo-Afro-American Cultural Centre (Argentina); Mr. Edson França of the Union of Blacks for Equality (Brazil); Ms. Generosa Maceo of the Cuban Federation of Women (Cuba); Ms. Cecília Moreno Rojas of the Network of Afro-Caribbean and Afro-Latin American Women; Ms. Eyitayo Dada of the African Canadian Legal Clinic (Canada); and Ms. Carol Anne Agard of Multicultural Research Assistance (Trinidad and Tobago).

F. Mini-plenary meetings

Mini-plenary meeting of the countries of North America and the English-speaking Caribbean

15. At the mini-plenary meeting of the countries of North America and the English-speaking Caribbean, held on 28 July 2006, the representatives of Canada and Trinidad and Tobago made statements.

16. At the same meeting, a number of representatives of civil society and a representative of the International Labour Organization (ILO) also made statements.

Mini-plenary meeting of the countries of Central America and the Spanish-speaking Caribbean

17. At the mini-plenary meeting of the countries of Central America and the Spanish-speaking Caribbean, held on 28 July 2006, the representatives of Cuba, Mexico, Nicaragua and Panama made statements.

18. At the same meeting, a number of representatives of civil society and a representative of the United Nations Development Fund for Women (UNIFEM) also made statements.

Mini-plenary meeting of the countries of the Andean region

19. At the mini-plenary meeting of the countries of the Andean region, held on 28 July 2006, the representatives of Bolivia and Ecuador made statements.

20. At the same meeting, a number of representatives of civil society and a representative of the United Nations Population Fund (UNFPA) also made statements.

Mini-plenary meeting of the Southern Cone countries

21. At the mini-plenary meeting of the Southern Cone countries, held on 28 July 2006, the representatives of Argentina, Brazil, Chile and Uruguay made statements.
22. A number of representatives of civil society and a representative of the United Nations Children's Fund (UNICEF) also made statements.

II. FINAL DOCUMENTS OF THE CONFERENCE

A. Reports of the mini-plenary meetings

23. At the fifth plenary meeting, held on 28 July 2006, the rapporteurs of the mini-plenary meetings presented their reports.

Report of the mini-plenary meeting of the countries of Central America and the Spanish-speaking Caribbean

24. The mini-plenary meeting of the countries of Central America and the Spanish-speaking Caribbean submitted the following text:

- “1. *We recognize* that efforts to combat racism, xenophobia and all forms of discrimination are a necessary and unavoidable prerequisite for the construction of governance, sustainable development, social justice, democracy and peace in our region. Nevertheless, we continue to observe persistent inequalities in the Americas and non-compliance with certain obligations in the promotion and protection of equality at the national, regional and international levels. Therefore, *we reaffirm* our commitment to the documents adopted in Santiago and Durban, understanding that these are ineluctable commitments by States, regional and international bodies and civil society;
2. *We urge* the States of the region to promote, in the discussions of the General Assembly, the adoption of a process of monitoring and evaluation of the Durban agreements, comparable to that used for other World Conferences of the United Nations;
3. *We call upon* the States of the region to support the early adoption of the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance of the Organization of American States (OAS). Likewise, *we call upon* States to support the adoption and entry into force of the Convention on the Rights of Persons with Disabilities;
4. Similarly, *we call upon* States that have not yet done so to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and other international human rights instruments that promote equality and non-discrimination. In addition, *we invite* States that are parties to international human rights instruments to implement international legal norms effectively within their countries;

5. *We call upon* the General Assembly to adopt the United Nations Declaration on the Rights of Indigenous Peoples, and *urge* the early, successful conclusion of negotiations on the OAS draft Declaration on the Rights of Indigenous Peoples;
6. *We appeal* to the States of the region that have not yet acceded to the International Convention on the Elimination of All Forms of Racial Discrimination to do so as a matter of urgency, with a view to its universal ratification, and also to make the declaration provided for in article 14 of the Convention;
7. *We urge* the organs and programmes of the United Nations, multilateral development agencies and OAS to pay priority and permanent attention to efforts to combat racism and all forms of discrimination, particularly discrimination against women. *We request* these agencies to mainstream gender and race in all their activities;
8. *We ask* States to support the mandate of the Special Rapporteurship on the Rights of Persons of African Descent and on Racial Discrimination of the OAS Inter-American Commission on Human Rights and of the mechanisms and organs related to efforts to combat discrimination and racism of the United Nations Human Rights Council, in particular the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, 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 peoples, the Special Rapporteur on the human rights of migrants, the Working Group of Experts on People of African Descent, the Independent Eminent Experts Group to follow up the Durban Declaration and Programme of Action and the Independent Expert on minority issues;
9. *We recommend* that States, in cooperation with international organizations working on this issue, develop a racial equality index for the region that would permit the analysis of current forms of racism and discrimination to be standardized and regulated and facilitate their quantification;
10. *We recommend also* that States, in cooperation with the relevant international agencies, conduct censuses and collect, compile, analyse and publicize statistics and data disaggregated by race and ethnicity, taking into account socio-economic indicators such as health, infant and maternal mortality, life expectancy, literacy rate, education, employment, housing, land ownership, water, sanitation, energy and communications services, poverty and average disposable income. Available quantitative data will facilitate objective, informed decision-making processes and the design, implementation and evaluation of public policies, plans and programmes against discrimination, at the same time respecting human rights and diversity and promoting the participation of the populations concerned in the development of methodologies and instruments;
11. *We request* States and the United Nations to adapt the Millennium Development Goals (MDGs) to the Durban and Santiago Commitments. *We consider* it necessary to continue the pursuit of gender and ethnic equality as an essential precondition for attaining the MDGs and overcoming poverty in our region. *We believe* also that the

MDGs can serve as benchmarks for measuring the progress made in the political, economic and social development of peoples of African descent and indigenous peoples in the region. To this end, it will be necessary to adopt specific goals for the reduction of socio-economic inequalities.

12. *We call upon* States and international and multilateral development agencies to allocate and increase technical and financial support to national bodies for the promotion of social equity and civil society organizations committed to racial equality in order to implement the Santiago and Durban agreements. This support must also promote the strengthening and leadership of people of African descent, indigenous peoples and the Roma, with special attention to women and young people;

13. *We ask* States and international agencies to mainstream a gender perspective in all their plans, projects and programmes against racism and for racial equality;

14. *We request* States and international agencies to pay particular attention to victims of racism who suffer multiple or aggravated discrimination on other related grounds, such as sex, age, migrant status, language, disability, religion, sexual orientation and identity, political or other opinions, social origin, economic situation, nationality, birth or any other condition. *We declare* that recognition of diversity must enable the differences and specificities of groups and peoples suffering from discrimination to be valued. *We recommend* that international agencies establish specific departments within their structures to address issues of gender and race;

15. *We express our solidarity* with the people of Haiti and *request* that the search for solutions be given priority on international and regional agendas;

16. *We recognize* that the gay, lesbian, bisexual, transsexual, transgender and transvestite community are often victims of human rights violations and experience various forms of discrimination and stigmatization. *We reaffirm* our condemnation of such practices. *We also recognize* that the situation of some victims of racism, racial discrimination, xenophobia and related intolerance is further aggravated by reason of their sexual orientation;

17. *We urge* States to analyse and reformulate their existing education systems in order to reflect the multiracial, multi-ethnic, multicultural and pluralist nature of our region. *We ask* also that educational curricula, courses and programmes recognize our diversity, reclaim our indigenous and African heritage, mention and recognize the valuable contributions made by indigenous people, peoples of African descent and migrants to our history and include the history of indigenous peoples as a topic in social science courses;

18. *We reaffirm* our commitment to eradicating illiteracy in our region, considering this to be a crucial goal;

19. *We request* Ministries of Education, the media and cultural bodies to take specific measures to combat racism and racist and xenophobic stereotypes;

20. *We recommend* that the United Nations convene a regional or international conference on racism and the media;
21. *We recognize* the right of our communities and peoples to land, territories and resources that they possess through traditional ownership or another traditional form of occupation or use, in addition to those that they have acquired in any other manner. *We also recognize* the right of our communities and peoples to preserve and protect the environment and the productive capacity of their land, and the importance of territorial integrity;
22. *We recommend* that States implement specific policies and actions aimed at guaranteeing the active political participation of peoples of African descent, indigenous peoples and their representatives in the various decision-making spheres. Furthermore, *we encourage* the implementation of electoral reform to guarantee the full participation of these groups. In addition, *we call* for power structures to be examined in order to identify exclusionary practices and for political parties to be urged to incorporate measures against racism and discrimination. In this connection, *we recognize* the importance of the Black Parliament of the Americas for attaining this goal;
23. *We ask* States, international organizations and multilateral development agencies to give priority to efforts to combat poverty, paying particular attention to peoples of African descent, indigenous peoples and women. *We reaffirm* that we cannot tackle the challenges of poverty and development without addressing racism and discrimination and its role in reproducing relations of inequality;
24. *We urge* States, international organizations and civil society to increase social investment in children and youth as a strategy for combating poverty, bearing in mind the historically disadvantaged situation of children of African descent and indigenous children. *We encourage* the promotion of actions to combat discrimination against young people and the adoption of measures designed to enable them to participate effectively in decision-making processes;
25. *We recognize* that poverty, lack of access to education, unemployment and social breakdown all too often lead to isolation, marginalization and violence. *We ask* States to pay special attention to young people of African descent and indigenous youth living in marginalized neighbourhoods of the region's big cities, who are particularly affected by urban violence, by tackling juvenile delinquency, violence and small-scale trading in illicit drugs and weapons from a social and human rights perspective centred on strengthening social capital and building the capacities of young people of African descent and indigenous youth;
26. *We urge* States to punish and combat violence perpetrated by State security forces, which disproportionately affects indigenous adolescents and young people and those of African descent;
27. *We ask* States to pay attention to the impact of drug trafficking on our communities, particularly on young people;

28. *We request* States to carry out an in-depth evaluation of the concept of affirmative action and to review the procedures for establishing national bodies that work to combat racism and discrimination, in order to measure their capacity for impact and intervention and their fiscal fitness. *We also request* States to publicize the experiences of national bodies working against racism and discrimination;

29. *We urge* States to eradicate practices of barring entry on grounds of race or ethnicity to private places that are open to the public;

30. *We request* States to adopt without delay policies allowing full access to health care without discrimination;

31. *We ask* States to guarantee and recognize the traditional health-related knowledge of indigenous peoples and peoples of African descent.”

Report of the mini-plenary meeting of the Southern Cone countries

25. The mini-plenary meeting of the Southern Cone countries submitted the following text:

“1. *We recognize* that racism is part of the structure of social relations and that it generates racial inequalities, thereby reproducing patterns of concentration of wealth and power in historically privileged groups;

2. *We ask* States to include the issue of racial equality and efforts to combat discrimination in their intergovernmental discussions at the bilateral, regional and international levels and with donor countries and institutions;

3. *We urge* States to ensure respect for the human rights of migrants, particularly undocumented migrants, who are forced to migrate owing to economic, social and political imbalances linked to the globalization process;

4. *We invite* States to establish and implement comprehensive, intersectoral policies for combating violence that provide comprehensive protection for indigenous, Afro-descendant and gypsy adolescents and young people, as well as migrants, women and members of the gay, lesbian, bisexual, transsexual, transvestite and transgender community;

5. *We urge* States to draw up policies without delay for reducing cases of lethal violence against Afro-descendant and indigenous adolescents and young people, the majority of which are committed by State security forces, and to combat impunity for such crimes;

6. *We urge* States to ensure the right of every indigenous and Afro-descendant child and adolescent living in Latin America and the Caribbean, of whom there are millions, to survival and development, to learn how to protect themselves from HIV/AIDS, to grow up without violence and to be the absolute priority. This must be done by means of participatory models that promote self-esteem and a positive self-image and value ethnic and racial diversity, thereby reducing the historical consequences and intergenerational transmission of racism and discrimination;

7. *We call upon* States, television networks and other mass media, both public and private, to work towards an agreement in applying a multiracial aesthetic standard and in producing programmes aimed at promoting the self-esteem of non-white ethnic and racial groups;
8. *We appeal* to States to develop and implement affirmative action policies in order to: (a) provide equal access to quality higher education establishments for indigenous and Afro-descendant students and also ensure that they stay on and successfully complete their courses; and (b) foster equality of opportunity in access to employment. Affirmative action policies will have to be adopted wherever necessary and wherever discriminatory practices are observed;
9. *We request* international cooperation and development agencies and States to ensure that programmes to combat social exclusion and poverty give priority to indigenous groups and those of African descent;
10. *We urge* States to promote effective measures for preventing and combating the crime of trafficking in persons and to develop assistance and protection programmes for victims;
11. *We encourage* States and civil society to promote exchanges of knowledge and experience on traditional communities of African origin;
12. *We call upon* States to establish and strengthen national institutions for the promotion of racial equality and the promotion and protection of the human rights of victims of racism, racial discrimination, xenophobia and all forms of discrimination and intolerance, particularly people of African descent, indigenous peoples, gypsies and migrants, and to provide them with sufficient resources to ensure effective action. Such institutions must work with civil society participation;
13. *We request* States to incorporate environmental issues into their health and education systems and to view environmental issues, access to drinking water and the right to a healthy environment in the context of health indicators;
14. *We call upon* States, international agencies, private enterprise and civil society to avoid any environmental discrimination occurring as a result of their work, with serious consequences for future generations. *We also call upon* all these actors to reflect on the fact that the vulnerable groups in the different regions who suffer from social discrimination obviously also suffer from environmental discrimination and racism;
15. *We encourage* States, particularly governmental bodies working on this issue, to coordinate their action, share their experiences on good practices and adopt a regional approach to international agencies and donor agencies and countries;
16. *We call upon* States to incorporate the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families into their national legislation and practice, as one of the basic instruments for combating racism and discrimination;

17. *We also call upon* States to design specific programmes to give greater visibility and recognition to traditional peoples, particularly the Roma, indigenous and Quilombola peoples, with a view to safeguarding their material and non-material property;

18. *We encourage* resident representatives of the United Nations and directors of specialized agencies in the region to promote incorporation of the issue at the country team level;

19. *We encourage* financial and development institutions and bilateral and multilateral international organizations (Inter-American Development Bank, World Bank, United Nations and others), within the scope of their mandates, to adopt efforts to combat racism as the cornerstone of their activities, projects, policies and programmes.”

Report of the mini-plenary meeting of the countries of the Andean region

26. The mini-plenary meeting of the countries of the Andean region submitted the following text:

“1. *We recognize* the importance of strengthening the formulation of public policies and programmes designed to promote equality, with the broad and democratic participation of the different peoples and communities;

2. *We call upon* States to publicize the issues of equality, non-discrimination, diversity and interculturalism throughout the State system;

3. *We note* that there is an imbalance between the recognition and the application of policies to promote the rights of indigenous and Afro-descendant peoples;

4. *We note with concern* the discrimination affecting migrants, who are subject to exploitative labour conditions, and inhabitants of isolated rural areas and border areas;

5. *We reject* emphatically the failure to recognize the human rights of people who have become migrants, internally displaced persons or refugees as a result of a variety of problems;

6. *We consider it necessary* to study and analyse the new forms and manifestations of discrimination and racism;

7. *We register* our frustration with States’ failure to fulfil the commitments that they made in Durban and Santiago;

8. *We stress* the heightened impact of discrimination in conflict areas. *We note with alarm* that violations of human rights and humanitarian law in these areas affect indigenous and Afro-descendant young people more severely;

9. *We ask* States, through their Ministries of Health, to accord due importance to maternal and infant mortality and sexual and reproductive health and to incorporate these issues as priorities in their health agendas;

10. *We consider it necessary* to include the problem of domestic and sexual violence in the analysis and study of gender discrimination;
11. *We ask* States to guarantee recognition of indigenous peoples' right to land ownership and to incorporate mechanisms that ensure free and informed prior consultation on the use and exploitation of their resources;
12. *We urge* States to promote and strengthen the full participation of people of African descent, indigenous people and the general public, through broad-based dialogue mechanisms, in formulating and implementing policies, plans and programmes that promote equality and non-discrimination;
13. *We request* States and international agencies working on the issue to provide financial support to regional initiatives for the adoption and implementation of action plans against racism and discrimination, particularly involving the Andean Community of Nations and the Andean Development Corporation;
14. *We stress* the obligation to establish, guarantee and promote effective access to justice systems on a basis of equality and non-discrimination. In addition, *we consider it essential* to eliminate racial preconceptions in judicial proceedings, ensuring effective access to the administration of justice that, for ethnic groups and other groups suffering from discrimination, includes appropriate legal defence and appeal mechanisms;
15. *We urge* States to incorporate into judicial proceedings an anti-racism perspective that excludes the use of racial profiling and characterizes racism as an offence;
16. *We request* States to establish mechanisms that guarantee access to justice for victims of racism and discrimination;
17. *We call upon* States to commit themselves more wholeheartedly to the United Nations mechanisms working against discrimination and racism;
18. *We also call upon* the United Nations to consider possible ways of facilitating access by its mechanisms and instruments to victims of racism, discrimination, xenophobia and other forms of intolerance."

Report of the mini-plenary meeting for the countries of North America and the English-speaking Caribbean

27. The mini-plenary meeting for the countries of North America and the English-speaking Caribbean submitted the following text:

- "1. *We consider* it crucial that the United Nations system retake into consideration the agreements reached in Durban and in other related international summits and conferences. Similar attention must also be paid to this issue by the Organization of American States and subregional multilateral organs;

2. *We recommend* that States that have adopted the Durban Declaration and Programme of Action should be accountable for its effective implementation. In this regard efforts should be made to include States that were not involved in this process;
3. *We consider* it essential to look to immigration and related deportation questions from a human rights perspective;
4. *We invite* Governments and civil society to reflect on the demilitarization of borders in the region for the promotion of human rights and peace;
5. *We encourage* States to promote the adoption of policies and programmes to counter gender discrimination concerning access to labour, credit and to promote equal chances and opportunities for education and development;
6. *We call upon* States to address inequality in the legal justice system for people of African descent, indigenous people and migrants;
7. *We note with concern* that racism in some education systems adversely affects the life chances of Afro-descendent students and black people. It results in social and economic marginalization, severe poverty, social exclusion, frustration and anger. We further note that racism can show up in the following forms:
 - (a) 'Safe School' laws, which cause a very high percentage of Afro-descendent students to be suspended or expelled from school;
 - (b) Dropping out of school before completing their education, and its adverse effect on their life chances;
 - (c) A smaller percentage of Afro-descendants going on to post-secondary education and training compared to other ethnic and racial groups;
 - (d) Youth who cannot effectively compete in the high-tech employment sector along with other racial and ethnic groups;
 - (e) Much higher unemployment rates among Afro-descendants;
 - (f) Due to the higher unemployment rates, Afro-descendent youths tend to get involved in antisocial behaviour, which bring them into conflict with law enforcement authorities;
 - (g) Afro-descendent youths tend to be criminalized in the justice system more than other racial groups.
8. Therefore, *we consider* that there is a need to ensure equal access to quality education at all levels as well as equal access to employment opportunities;
9. *We consider* that these development initiatives must be supported by social programmes that include post-traumatic syndrome treatment following systemic racism and antisocial behaviour and natural disasters (for example, hurricanes Katrina/Ivan);

10. *We urge* States to develop effective disaster-management programmes;
11. *We urge* States to adopt state-of-the-art technology to support the detection of natural disasters and training programmes for disaster preparedness and protection of the environment;
12. *We recommend* to States that the structure of the major group consultation process on sustainable development include people of African descent, people with disabilities and older persons in their societies;
13. *We encourage* States to use the Millennium Development Goals as a reference to measure the political, economic, and social development of Afro-descendent and indigenous peoples, that live in both developing and developed countries and other segments;
14. *We urge* States as well as development and financial organizations to take into account racism as one of the main obstacles in achieving sustainable development and in attaining the Millennium Development Goals;
15. *We invite* all concerned actors to continue the dialogue and thinking with regard to redress and providing reparations for Afro-descendants regarding the slave trade;
16. *We encourage* States to consider the establishment of a Permanent Forum of Afro-descendants within the United Nations, using the same model as the existing Permanent Forum on Indigenous Populations;
17. *We urge* States and the United Nations to encourage the full participation of Afro-descendants in major United Nations conferences and meetings;
18. *We invite* the United Nations and its specialized agencies, as well as international financial institutions to support the initiative for Afro-descendants in the Caribbean to eliminate poverty, and strengthen the trade links with interregional trade to ensure economic benefits for sustainable development;
19. *We urge* States, the United Nations and its specialized agencies, as well as international financial institutions to ensure equal access to quality health care to reduce chronic diseases that lead to poor quality of life;
20. *We encourage* States to support proactive programmes for lifestyle change and active risk management to reduce HIV/AIDS;
21. *We request* the United Nations to establish a deadline for countries that are not submitting Human Development Reports;
22. *We urge* States to adopt appropriate legal framework and action plans to ensure implementation of the recommendations adopted at this conference;
23. *We recommend* that the United Nations integrate the outcome of the Durban Conference in all its relevant world conferences and programmes.”

B. Conclusions of the Conference

28. At the fifth plenary meeting, held on 28 July 2006, the Chairperson of the Regional Conference presented the following conclusions:

- “1. The Regional Conference was an opportunity for States and members of civil society of the hemisphere, six years after the Santiago Preparatory Conference (held in 2000), to evaluate progress and challenges in implementing the Durban Declaration and Programme of Action. We must recognize that the present moment is characterized by the adoption of specific decisions for introducing effective public policies in the fight against all forms of discrimination on grounds of race, colour, ethnicity, sex, age, sexual orientation, language, religion, political or any other opinions, national or social origin, economic situation, migrant, refugee or displaced person status, birth, status as a carrier of a stigmatized communicable disease, genetic characteristic, deficiency, incapacitating psychological suffering or any other social condition;
2. During the Regional Conference, *we recognize* that this is a good time to compile and share good practices in the region. The peoples of the Americas unanimously view their multi-ethnic, multicultural composition as positive and as contributing to human coexistence, the promotion of human rights, the building of cultures of peace and mutual respect, and the consolidation of democratic political systems;
3. In the Regional Conference, *we reaffirm* the premise that the international system for the protection of human rights was created and operates according to the principles of equality and non-discrimination. *We recall* that the latter are one of the guiding principles of the United Nations and that article 1 of the Universal Declaration of Human Rights establishes that all human beings are born free and equal in dignity and rights. In addition, *we reaffirm* the universality, indivisibility and interdependence of all human rights and fundamental freedoms;
4. *We observe* that in recent years, faced with the alarming problems of racism and discrimination, we have been able to raise awareness of these problems and have achieved significant results at the global level. Many international human rights instruments have been promulgated and adopted to fight discrimination. In addition, *we recognize* the legislative and constitutional progress made at national level in the protection of the rights of indigenous peoples, people of African descent and migrants in the region;
5. *We welcome* the fact that the principal international forums and organizations are paying greater attention to this issue. In 2001, the adoption of the Durban Declaration and Programme of Action promoted new United Nations mechanisms for evaluating progress and challenges in combating racism and racial discrimination. *We welcome* the establishment of the following mechanisms: the Working Group of Experts on People of African Descent, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action; the Independent Eminent Experts Group to follow up the Durban Declaration and Programme of Action; and the Permanent

Forum on Indigenous Issues. Moreover, in June of this year the recently created Human Rights Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples, on which the General Assembly will vote at the end of the year. The Conference registered its support for the adoption of the text of the Declaration by the General Assembly;

6. *We welcome* with satisfaction the adoption of specific, comprehensive instruments that are the result of mature debate and the rejection of discrimination in all its forms. This is evidenced by the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in July 2003; the creation in February 2005 of the Special Rapporteurship on the Rights of Persons of African Descent and on Racial Discrimination of the Inter-American Commission on Human Rights; the adoption by the OAS General Assembly in June 2006 of a resolution permitting negotiation of the preliminary draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, a Brazilian initiative that received broad support at the time; and the latest negotiations in the United Nations General Assembly on the Convention on the Rights of Persons with Disabilities, which will protect, promote and guarantee the rights, fundamental freedoms and dignity of persons with disabilities and whose early entry into force we particularly call on States to support.

7. *We stress* that the inclusion of issues relating to efforts to combat racism and to the promotion and protection of human rights and racial equality in the governmental structures of countries of the region demonstrates the growing consensus on the linkage between participatory, inclusive democracy and efforts to combat racism and discrimination. Argentina, the Bolivarian Republic of Venezuela, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, the United States of America and Uruguay have established bodies to address this issue. Such bodies are fundamental to efforts to combat racism, strengthen democratic governance and prevent conflicts. It was suggested that the Governments of the region should establish a programme of action for the strengthening of governmental institutions that will permit effective, ongoing promotion of racial equality and exchanges with civil society;

8. *We note* the expansion of discussions on possible monitoring mechanisms at the national level, the construction of indicators for monitoring the impact of public policies for combating racism and discrimination and the incorporation of a gender perspective in the analysis and design of such policies;

9. *We recommend* the development of methodologies for monitoring the outcome of public plans, programmes and policies to promote equality and diversity and combat racism and discrimination. Governments and international agencies will have to consider generating reliable statistical data disaggregated by race, sex, geographical region and socio-economic variables to permit proper monitoring of public policies to promote racial equality and combat racism;

10. *We welcome* the proposal to strengthen and coordinate United Nations mechanisms for monitoring the action taken by Governments of the region to comply with the Durban Declaration and Programme of Action;
11. *We observe* that racism and racial discrimination remain evident in access to health, education, housing, employment and the administration of justice in the countries of the Americas. *We recommend* that those countries adopt human rights training programmes with an anti-racism and anti-discrimination approach for public servants, including those working in the administration of justice, especially security service, prison and police personnel. In designing training programmes, the pernicious effects of discrimination in public spaces, particularly with respect to the application of the law and the administration of justice for indigenous and Afro-descendant young people will have to be taken into account;
12. *We believe* that other issues also requiring preventive action are intolerant racist and xenophobic political platforms, which make it difficult, for example, to enact punitive legislation against racism and discrimination, the repudiation of affirmative action policies and the identification between ethnic or racial origin and a situation of poverty. To avoid such misunderstandings, educational campaigns against discrimination and intolerance must be promoted;
13. *We consider* it necessary to promote effective application of the international human rights instruments ratified by the States of the region by means of specific actions. *We highlight* the suggestion that development policies should be drawn up for border areas, particularly where indigenous, Afro-descendant and gypsy populations are affected by migration and internal displacement;
14. *We recommend that* the Millennium Development Goals adopted by the General Assembly should incorporate the spirit of the documents adopted in Durban and Santiago, taking into account the interrelationship between obstacles to human development and the situation of vulnerable groups in the region;
15. *We reaffirm* that poverty is often closely linked to racism and discrimination and that these practices aggravate conditions of poverty, marginalization and social exclusion. *We consider* that the factors that lead to poverty among people of African descent and indigenous peoples are mainly structural and that discrimination is apparent in lack of equal opportunity and in disadvantages in access to basic services, education, labour markets, loans and technology. Moreover, *we observe* that these groups have traditionally been excluded from the political process and that racial and ethnic prejudices tend to aggravate this situation. In this connection, *we recognize* what is known as the “right to positive discrimination” and *stress* the need to adopt and implement affirmative action policies in order to make amends for historical injustices, remedy structural disadvantages and socio-racial discrimination and create diversified and proportionally representative groups in power structures;

16. To this end *we encourage* the decisive progress made in the proposal to develop multicultural and intercultural policies in the education, health and communication spheres and in power structures that address, above all, the different needs and specific problems of women, persons with disabilities, older persons, children and indigenous and Afro-descendant young people in the region;

17. *We stress* the need to provide access to legal means for guaranteeing recognition and observance of the legitimate right of victims of human rights violations to seek redress for the material and non-material harm suffered;

18. *We recognize* also the need to give indigenous people, migrants and people of African descent greater visibility in the mass media;

19. *We welcome* the important role played by civil society in monitoring the activities of governmental institutions working for equality and non-discrimination, in order to contribute to and obtain more effective and transparent action in promoting diversity in the region;

20. *We urge* international agencies and bodies to continue to offer support to regional initiatives for the review and appraisal of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and the recently created Human Rights Council to put the proposal for such a review into effect as soon as possible;

21. *We welcome* the proposal to conduct subsequent consultations between State and civil society representatives, with United Nations support, on issues directly linked to the Regional Conference of the Americas;

22. *We confirm* our broad support for the proposal to establish mechanisms for the promotion and protection of the rights of indigenous, migrant, Afro-descendant and gypsy children and adolescents in the Americas;

23. *We note* with satisfaction the progress made in the region as described by government representatives and *recommend* the strengthening and coordination of national institutions that promote equality and non-discrimination. These institutions promote actions aimed at overcoming the remaining obstacles that are preventing the full integration of vulnerable groups in the societies of the Americas;

24. In addition, *we identify* new, innovative projects, thereby fulfilling an essential function of interactive dialogue among the principal protagonists of efforts to combat racism and discrimination in the region;

25. *We call upon* States to act on the recommendations that have been adopted, thereby strengthening specific actions and increasing available resources for combating discrimination and promoting equality;

26. *We reiterate* the spirit of renewed political will and of commitment to the promotion of human rights and to equality, justice and the dignity of the human person. *We pay* well-deserved tribute to the memory of victims of colonialism and transatlantic slavery and all victims of racism, discrimination, xenophobia and intolerance throughout the world. May this memory be for each vulnerable group a source of inexhaustible energy for the continuing struggles against new forms of xenophobia, racism and discrimination and contemporary forms of slavery;

27. *We celebrate* the fact that the Regional Conference has brought together those active in the struggle against racial discrimination, racism, xenophobia and related intolerance in the region in order to give renewed impetus to the consensus already reached and to strengthen the promotion of diversity, equality, peace and democracy in the Americas. *We declare* that we will achieve all this through solidarity, cooperation, dialogue, inclusion and respect for human rights.”

Annex I

LIST OF PARTICIPANTS

Estados Miembros de las Naciones Unidas en la región

Argentina, Brasil, Canadá, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, México, Nicaragua, Panamá, Paraguay, Perú, Trinidad y Tabago, Uruguay, Venezuela (República Bolivariana de).

Programas, órganos y comisiones de las Naciones Unidas incluyendo a órganos y mecanismos de derechos humanos

Comisión Económica para América Latina y el Caribe; Fondo de Desarrollo de las Naciones Unidas para la Mujer; Fondo de las Naciones Unidas para la Infancia; Fondo de Población de las Naciones Unidas; Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos; Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados; Programa conjunto de las Naciones Unidas sobre el VIH/SIDA; Programa de las Naciones Unidas para el Desarrollo.

Sr. Doudou Diène, Relator Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y otras formas conexas de intolerancia; Sra. Edna Santos Roland, Experta independiente sobre la aplicación de la Declaración y el Programa de Acción de Durban; Sr. Juan Martabit, Presidente del Grupo de Trabajo Intergubernamental sobre la aplicación efectiva de la Declaración y Programa de Acción de Durban.

Organismos especializados

Organización Internacional del Trabajo y Organización de las Naciones Unidas para la Educación y la Cultura.

Instituciones nacionales de derechos humanos

Defensoría de Habitantes de Costa Rica; Defensoría del Pueblo de Paraguay; Comisión de Derechos Humanos de El Salvador.

Organizaciones no gubernamentales

African Canadian Legal Clinic (Canadá); Agentes de Pastoral Negros (Brasil); Articulação de Mulheres Brasileiras (Brasil); Articulação de Mulheres Negras Brasileiras (Brasil); Asociación Hombres y Mujeres Nuevos de Panamá; Asociación LGTB Arcoiris (Honduras); Asociación Proyecto Caribe (Costa Rica); Associação de Preservação da Cultura Cigana (Brasil); Associação Nacional dos Coletivos de Empresários e Empreendedores Afrodescendentes (Brasil); Canadian Alliance of Black Educators (Canadá); Casa de la Cultura Indo Afro Americana (Argentina); Cauce Ciudadano Asociación Civil (México); Centro de Desarrollo Étnico (Perú); Centro de Mujeres Afrocostarricenses (Costa Rica); Centre de Recherche et d'Action pour le Developement; Centro Nicaragüense para el Desarrollo Humano; Centro para la Educación y Prevención del SIDA (Nicaragua); Centro Regional de Análisis para la Promoción de Políticas (Ecuador); Colectiva de Lesbianas Liberadas; Color Cubano - Unión Nacional de

Escritores; Comisión Internacional de los Derechos Humanos para Gays y Lesbianas (Argentina); Comité Panameño contra el Racismo; Confederação Árabe, Palestina do Brasil; Confederação Israelita do Brasil; Coordenação Nacional de Entidades Negras (Brasil); Coordenação Nacional dos Quilombos (Brasil); Coordinadora Nacional de Comunidades Desplazadas (Perú); Coordinadora Nacional de Organizaciones Negras Panameñas; Corporación Chilena de Prevención del SIDA; Corporación de Mujeres Mapuche Aukiñko Zono (Chile); Federación de Mujeres Cubanas; Feministas en Marcha (Puerto Rico); Forito Negro (Brasil); Fórum Nacional de Mulheres Negras (Brasil); Fundação Afroamérica XXI (Ecuador); Fundación Celestina Pérez de Almada (Uruguay); Fundación Centro de Derechos Humanos y Ambiente (Argentina); Fundación Ideas (Chile); Global Afro Latino and Caribbean Initiative (Estados Unidos de América); Grupo Corsa (Brasil); Instituto de las Mujeres y el Liderazgo en Sinaloa (México); Integrador Nacional de Descendientes de Indígenas Americanos (Uruguay); La Casa por la Identidad de Mujeres Afro (República Dominicana); México Negro Asociación Civil (México); Movimiento de Mujeres Dominico Haitiana; Movimiento Negro Unificado (Brasil); Movimiento Socio Cultural para los Trabajadores Haitianos; Mujeres Ciudadanas (Paraguay); Multicultural Research Associates (Trinidad y Tabago); Network of NGOs of Trinidad & Tobago for the Advancement of Women (Trinidad y Tabago); Observatorio Control Ciudadano Interamericano de los Derechos de las y los Migrantes (Chile); Organización de Desarrollo Étnico Comunitario (Honduras); Organización Negra Centroamericana (Honduras); Organizaciones Mundo Afro (Uruguay); Paragay (Paraguay); Proceso de Comunidades Negras en Colombia (Colombia); Puerto Rico para Todos; Red de Jóvenes Afrodescendientes Alianza Estratégica (Uruguay); Red de Mujeres Afro panameñas (Panamá); Red de Jóvenes Afro panameños contra la Discriminación Racial-Fundación Rescate Juvenil Afro panameño; Red Nacional Feminista de Saúde e Direitos Reprodutivos-Rede Saúde (Brasil); União de Negros pela Igualdade (Brasil); Voces Caribeñas (Nicaragua).
