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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION: COMPREHENSIVE
IMPLEMENTATION AND FOLLOW-UP TO THE DURBAN
DECLARATION AND PROGRAMME OF ACTION**

**Implementation of relevant recommendations of the second session of the
Intergovernmental Working Group on the Effective Implementation of
the Durban Declaration and Programme of Action**

Progress report of the Office of the High Commissioner for Human Rights

Summary

The present report is submitted in accordance with Commission on Human Rights resolution 2004/88. It contains a brief presentation of the activities carried out by the Office of the United Nations High Commissioner for Human Rights to implement the relevant recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action adopted at its second session.

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Introduction

1. The present report is submitted in accordance with Commission on Human Rights resolution 2004/88, in which the Commission called upon the Office of the High Commissioner for Human Rights (OHCHR) to implement all the relevant recommendations of the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and to submit a progress report in that regard to the Commission at its sixty-first session.
2. During its second session, held from 26 January to 6 February 2004, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) focused its discussions on two thematic areas - education and poverty, and complementary standards. At that session the IGWG adopted by consensus the text of 27 recommendations (E/CN.4/2004/20, para. 81). Some have a direct impact on the activities of OHCHR and, in compliance with the request by the IGWG, the OHCHR undertook to identify those recommendations that require its attention.
3. This report presents an overview of the activities carried out by OHCHR in the relevant thematic areas analysed by the IGWG with a view to implementing its recommendations. The information contained in this report should be supplemented by the following reports:
 - (a) Report of the High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/2004/17 and Corr.1 and Add.1-3);
 - (b) Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/59/375);
 - (c) Report of the High Commissioner for Human Rights on complementary standards (E/CN.4/2004/WG.21/3);
 - (d) Report of the High Commissioner for Human Rights on combating defamation of religions (E/CN.4/2005/15).

I. MEASURES ADOPTED AND ACTIONS UNDERTAKEN IN IMPLEMENTATION OF THE RECOMMENDATIONS OF THE IGWG

A. Education

4. Education is an effective tool for combating fear of human diversity and for changing intolerant behaviours. It is a tool for empowering people to understand and exercise their human rights. It is an essential means of promoting participation and mutual exchange, and of fighting discrimination and marginalization. OHCHR, through its programmes on human rights education, aims at promoting respect and tolerance, multisectoral schooling and the incorporation of different historical and cultural perspectives into school curricula.

5. In 2003 OHCHR and the United Nations Educational, Scientific and Cultural Organization (UNESCO) signed a memorandum of understanding which, inter alia, envisages close cooperation in the implementation of the overall UNESCO strategy on human rights and the integrated strategy to combat racism, discrimination, xenophobia and related intolerance in UNESCO's fields of competence, and in the elaboration of strategies related, among other things, to the right to education and to human rights education, cultural rights and cultural diversity, freedom of expression, access to information and academic freedom, the rights of women and gender equality. Within this framework, OHCHR and UNESCO are cooperating at various levels.

6. In the context of the United Nations Decade for Human Rights Education (1995-2004),¹ OHCHR is promoting intercultural dialogue through activities in the following areas:² facilitating information-sharing and networking among all relevant actors; supporting human rights education and training initiatives through national, subregional and regional technical cooperation projects; supporting grass-roots human rights education and training initiatives; producing and disseminating selected human rights training and education materials; disseminating the Universal Declaration of Human Rights worldwide; and implementing the fourth phase of the Assisting Communities Together (ACT) project, which provides small grants to human rights education and training initiatives undertaken by grass-roots organizations.

7. With the end of the United Nations Decade for Human Rights Education in 2004, the Economic and Social Council, in its decision 2004/268, took note of Commission resolution 2004/71 and decision 2004/121 and endorsed the Commission's recommendation that the Council recommend to the General Assembly that it proclaim, at its fifty-ninth session, a world programme for human rights education to begin on 1 January 2005, structured in consecutive phases, in order to maintain and develop the implementation of the human rights education programmes in all sectors. In its resolution 59/113, the Assembly proclaimed the World Programme for Human Rights Education and invited States to submit comments to OHCHR on the draft plan of action for the first phase (A/59/525), prepared jointly by OHCHR and UNESCO.

8. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance recognized human rights education as the cornerstone of the fight against prejudice and racism. Education in human rights thus presents a preventive tool against racism, discrimination, intolerance and violence and it acquires particular importance for young people, because of their potential as catalysts for change. Amongst the activities the Office has carried out within this framework is the initiative entitled "Young people drawing for human rights". This initiative was launched in November 2003 and consisted of the organization of a drawing contest for schoolchildren in Mongolia, Colombia, Mexico, the former Yugoslav Republic of Macedonia, and South Africa and it was accompanied by a substantive discussion on human rights. In July 2004, the winning drawings were produced as OHCHR posters in the six United Nations languages.

9. OHCHR has pursued its focus on initiatives aimed at promoting tolerance based on respect for human rights and religious diversity and at fostering debate on the positive aspects and the enrichment of the dialogue among cultures and religions. On 21 March 2004, to commemorate the International Day for the Elimination of Racial Discrimination, OHCHR organized, in collaboration with the United Nations Office at Geneva, a panel discussion on

“Intercultural dialogue: a means to combat racism”. In July 2004, an OHCHR representative participated in a session of the Dialogue among Civilizations organized by the United Nations Graduate Study Programme in Geneva.

10. OHCHR organized and sponsored a round table for young people under the title “Stand up against Racism!” within the framework of the World Youth Festival held in Barcelona, Spain, in August 2004. Six young panellists from different backgrounds and continents were invited to present a successful initiative or project aimed at promoting cultural diversity. The round table aimed at sensitizing young people about the damage caused by racial discrimination; giving greater visibility to groups that are victims of discrimination; and sharing knowledge about successful anti-discrimination projects.

11. The UNESCO Centre of Catalonia hosted an “Expert Seminar on Defamation of Religions and the Global Combat against Racism: Anti-Semitism, Christianophobia, Islamophobia” from 11 to 14 November 2004 in Barcelona. OHCHR provided financial support for the organization of the seminar, which was convened at the initiative of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Its main aim was to promote a better understanding of the issue of defamation of religions (see E/CN.4/2005/15 and E/CN.4/2005/18/Add.4).

12. Following a workshop organized jointly by OHCHR and UNESCO on the theme “Combating racism and fostering tolerance”, a book is being published by OHCHR under the title *Dimensions of Racism*, in English, French and Spanish.

13. Support in the form of small grants administered by the ACT project (a joint initiative of the United Nations Development Programme (UNDP) and OHCHR) was given for grass-roots youth projects to promote respect for diversity in schools and through non-formal education. Pursuant to General Assembly resolution 57/212 requesting OHCHR to continue and expand the ACT project, OHCHR launched in October 2003, in cooperation with UNDP, the fourth phase of the ACT project to further support, through small grants, grass-roots activities designed to have an impact on the promotion and protection of human rights and which will contribute effectively in the long term to the dissemination of a human rights culture, and a strengthening of local capacities in teaching human rights. Specific human rights educational initiatives aimed at combating racism, racial discrimination, xenophobia and related intolerance were selected in 10 countries. Specifically, projects of non-governmental organizations addressing discrimination against indigenous populations were awarded grants and are currently being implemented in Nicaragua, Uruguay, Colombia and Cambodia. Public awareness-raising activities to promote and enhance tolerance, a culture of peace and coexistence between ethnic groups are being implemented in Chad, Burundi and Romania. Efforts to promote and protect the rights of the disabled and eradicate gender discrimination and discrimination based on sexual orientation are also being carried out through public information campaigns and training workshops in Mongolia, Serbia and Montenegro, Kyrgyzstan and Mauritania. OHCHR also provided assistance to six national human rights institutions from Mexico, Venezuela, Fiji, India, Mongolia and Niger to implement activities in the field of awareness-raising on racism, racial discrimination, xenophobia and related intolerance.

14. OHCHR services the three follow-up mechanisms created following the World Conference. The five independent eminent experts to follow the implementation of the provisions of the Durban Declaration and Programme of Action (as requested by the General Assembly in resolution 56/266 and whose terms of reference are contained in Commission on Human Rights resolutions 2002/68 and 2003/30) were appointed in June 2003. They held their first meeting from 16 to 18 September 2003. A second meeting is scheduled for early 2005, at which the experts will discuss the problems related to the implementation of the Durban Declaration and Programme of Action, including unaddressed areas and good practices; they will also formulate possible recommendations for the United Nations human rights programme, including the IGWG. They will revise recommendations of the other relevant follow-up mechanisms to the World Conference and take action on them. In the context of education, the IGWG recommended that the experts interact with Governments to mobilize adequate resources to address the educational needs of victims of racism.³ A note transmitting the recommendations of the independent eminent experts at their second session is before the Commission (E/CN.4/2005/125).

15. The importance of a continued and strengthened dialogue among civilizations to promote greater tolerance, respect and mutual understanding has been stressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance since the establishment of his mandate. From 16 to 19 May 2004, the Special Rapporteur took part in the first World Forum on Human Rights, organized at the initiative of UNESCO in Nantes, France. During this important meeting, the Special Rapporteur stressed that there had been a resurgence of racism and xenophobia and identified the factors that, in his opinion, have been largely responsible for the reverses in the struggle against racism. He explained how the concept of diversity, in its pluralistic sense, and intercultural education can constitute solutions for combating the problem of racism in depth.

B. Poverty

16. The Durban Declaration states in its paragraph 18 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. The Durban Programme of Action calls upon States to enhance their policies and measures to reduce income and wealth inequalities and to take appropriate steps, individually and through international cooperation, to promote and protect economic, social and cultural rights on a non-discriminatory basis (para. 207). They are also urged to take or strengthen measures, including through bilateral or multilateral cooperation, to address root causes, such as poverty, underdevelopment and lack of equal opportunity, some of which may be associated with discriminatory practices, that make persons, especially women and children, vulnerable to trafficking, which may give rise to racism, racial discrimination, xenophobia and related intolerance (para. 174).

17. It is to be recalled that, as the United Nations systemwide focal point for human rights, OHCHR has been exploring and promoting explicit recognition of the linkages between human rights and poverty, through supporting the mandates of the independent expert on human rights and extreme poverty and the work being done by experts of the Sub-Commission on the

Promotion and Protection of Human Rights on developing guiding principles on the implementation of human rights norms and standards in the context of the fight against extreme poverty.

18. Furthermore, since 2001, OHCHR has been working on the development of a human rights approach to poverty reduction. Following a request made to the High Commissioner by the Committee on Economic, Social and Cultural Rights in August 2001, and upon consultations with various counterparts, OHCHR developed Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies. This document, aimed at providing Governments, development agencies and other practitioners involved in the design, implementation and monitoring of poverty reduction strategies assistance in integrating human rights. The Guidelines are in the process of being revised and should be finalized in the first half of 2005.

19. In March 2004, OHCHR issued a publication entitled *Human Rights and Poverty Reduction - A Conceptual Framework* (HR/PUB/04/1) complementing the draft guidelines and articulating the underlying concept. This publication highlights the fact that one of the most distinctive features of a human rights approach to poverty reduction is that it is explicitly based upon the norms and values set out in the international law of human rights and shows how international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies. Accountability, empowerment, non-discrimination and attention to the most vulnerable are described as interdependent principles which are at the heart of a human rights approach to poverty reduction.

20. In paragraph 191 (d) the Durban Programme of Action “[r]ecommends that the Office of the High Commissioner for Human Rights, in cooperation with States, international, regional and non-governmental organizations and national human rights institutions, create a database containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance, particularly international and regional instruments and national legislation, including anti-discrimination legislation, as well as legal means to combat racial discrimination; remedies available through international mechanisms to victims of racial discrimination, as well as national remedies; educational and preventive programmes implemented in various countries and regions; best practices to address racism, racial discrimination, xenophobia and related intolerance; opportunities for technical cooperation; and academic studies and specialized documents; and ensure that such a database is as accessible as possible to those in authority and the public at large, through its web site and by other appropriate means”.

21. As a first step, in 2003, a study on best practices for publication was prepared. Also, at the end of 2003 and during 2004, the redesigning of the Anti-Discrimination Unit web site - where such a database would be hosted - was initiated. OHCHR has continued collecting national legislation, national plans of action, technical cooperation programmes and projects in the field of anti-discrimination, awareness-raising and public information materials, and best practices in the field of anti-discrimination at the national, regional, international and grass-roots levels. The draft study will be updated in 2005 for publication.

22. The database on best practices, which is an objective that will be achieved over time, will include best practices by States in the following fields: (a) measures to assist victims (Africans and people of African descent, indigenous peoples, migrants, refugees, minorities, other

victims); (b) training, education and awareness-raising activities; and (c) strategies to eliminate racism, racial discrimination, xenophobia and related intolerance (i.e. institutions established to combat racism, racial discrimination, xenophobia and related intolerance; national action plans; economic, social and cultural initiatives; poverty reduction strategies; media and Internet regulation; other strategies). It will also include best practices by intergovernmental organizations; best practices by national human rights institutions and related bodies; best practices by non-governmental organizations and youth organizations; best practices at all levels in the field of development and empowerment, education and training, media, health care, efforts to combat Internet-based racism, legal intervention strategies to combat racism, and anti-racism actions in sports.

23. Corruption is a complex social, political and economic phenomenon that impacts on every aspect of society. It causes reduced investments or even disinvestment, with many long-term effects, including social polarization, lack of respect for the rule of law and human rights, undemocratic practices and diversion of funds intended for development and essential services. The majority of OHCHR activities in the field of anti-corruption strategies and the enjoyment of human rights are carried out through support to human rights mechanisms, even while effort is also being put into operational activities in terms of training and technical cooperation. In decision 2004/106 the Commission decided to endorse the decision of the Sub-Commission to appoint Ms. Christy Mbonu as Special Rapporteur with the task of preparing a comprehensive study⁴ on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights. Such a study will have the aim of contributing towards promoting transparency, accountability and good governance at the national level. It should also serve as a guide to all the bodies seized with the matter. It should examine in detail the general and specific manifestations of corruption and identify vulnerable groups and develop guidelines on respect for human rights, international complaints and sanction systems. This decision was endorsed by the Economic and Social Council in its decision 2004/274.

C. Complementary standards

24. At its second session, the IGWG requested OHCHR to convey its invitation to the Committee on the Elimination of Racial Discrimination (CERD) for its written views on the effectiveness of the convention, including its implementation (E/CN.4/2004/20, para. 81, recommendation 20). A report containing the views of CERD on the effectiveness of the convention, including its implementation, was submitted to the IGWG at its third session held from 11 to 22 October 2004 (see E/CN.4/2004/WG.21/10 and Add.1).

25. The IGWG further requested OHCHR to facilitate the compilation of the views submitted by interested institutions and organizations on the issue of complementary standards and to ensure their timely circulation to all members of IGWG with a view to enriching the debate on the preparation of complementary standards. In July 2004, OHCHR consequently sent letters to international organizations and institutions requesting their views. Two responses were received: one from the Council of Europe and the other from the International Labour Office (ILO). The two contributions are summarized in document E/CN.4/2004/WG.21/11.

D. Other relevant activities

26. In 2003, a grant agreement between OHCHR and the Government of Argentina to assist in the elaboration of the National Action Plan against Racism was concluded. A preliminary draft of the Action Plan was submitted to OHCHR in November 2004.

27. OHCHR, in cooperation with the New Zealand Race Relations Conciliator, organized a round table on "International Race Relations" in Auckland from 2 to 5 February 2004.

28. As the agency responsible for the United Nations anti-discrimination programme, OHCHR has been cooperating with the special procedures of the Commission on Human Rights, United Nations bodies and specialized agencies, and international and regional organizations. Experts from CERD, the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, UNESCO, the World Bank, the International Monetary Fund, the United Nations Conference on Trade and Development (UNCTAD), ILO, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Commission against Racism and Intolerance (ECRI) participated in the meetings of the Working Group of Experts on People of African Descent and/or the IGWG. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the right to education and the independent expert on extreme poverty also contributed to the deliberations of one or the other follow-up mechanism.

29. OHCHR has to date undertaken a number of activities to mainstream the Durban Programme of Action into the mandates, programmes and projects of the United Nations, the specialized agencies, and international and regional organizations by: (a) convening inter-agency meetings in Geneva to inform other agencies about World Conference follow-up and to discuss future joint activities; (b) disseminating information on follow-up to the World Conference to relevant focal points in other agencies on a regular basis; (c) attending meetings hosted by a number of partners (including the European Monitoring Centre on Racism and Xenophobia, the OSCE, the Council of Europe, UNESCO, the World Bank and the Pan-American Health Organization (PAHO)); (d) generating involvement by other agencies in the working groups established after the World Conference by encouraging them to make statements, prepare papers or to be panellists; and (e) encouraging those institutions to provide input to the reports to the General Assembly and the Commission on Human Rights on their specific activities regarding implementation of the Durban Declaration and Programme of Action.

30. OHCHR had organized regional expert seminars on implementation of the Durban Programme of Action. From 1 to 3 December 2004, OHCHR and PAHO, jointly organized an intergovernmental seminar in Brasilia, "Ensuring that the Millennium Development Goals contribute to overcoming racism, racial discrimination, xenophobia and related intolerance in Latin America and the Caribbean Region", involving States and NGOs active in the delivery of health care services to groups vulnerable to racism in Latin America and the Caribbean.

31. OHCHR has to date undertaken a number of activities to generate continued support by NGOs for the implementation of the Durban Declaration and Programme of Action. Among its regular tasks are: (a) sharing information with these constituencies on a regular basis; (b) facilitating participation in meetings convened by the follow-up mechanisms and other events

organized by OHCHR; and (c) encouraging NGOs to provide input to the reports to the General Assembly and the Commission on Human Rights on their activities regarding implementation of the Durban Declaration and Programme of Action. OHCHR encouraged NGO action against racism by facilitating the participation of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in the session of the Inter-American Commission on Human Rights held in Washington in March 2004. A workshop for NGOs and youth organizations on "Implementation of the recommendations of the World Conference against Racism" was organized by the OHCHR Subregional Centre for Human Rights and Democracy for Central Africa in Yaoundé in July 2004.

32. OHCHR, WHO and UNAIDS jointly produced a comic book entitled *HIV/AIDS: Stand up for Human Rights*. OHCHR contributed to a joint OHCHR/PAHO publication on the outcome of the seminar in Brasilia cited above, which will be published in 2005.

III. CONCLUSION

33. **Significant progress has been achieved in the implementation of the relevant recommendations on education, poverty and complementary standards emanating from the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. The relatively short period of time between the second and third session of the Intergovernmental Working Group will bring an integrated approach to the implementation of the recommendations adopted at both sessions in the future.**

Notes

¹ In this context, reference should be made to the following documents: report of the High Commissioner for Human Rights on progress made towards the implementation of Commission resolution 2004/71 on the follow-up to the United Nations Decade for Human Rights Education (E/CN.4/2005/98); report of the High Commissioner for Human Rights on achievements and shortcomings of the United Nations Decade for Human Rights Education (1995-2004) and on future United Nations activities in this area (E/CN.4/2004/93); note by the Secretary-General transmitting the draft plan of action for the first phase (2005-2007) of the proposed world programme for human rights education (A/59/525).

² For detailed information on the specific activities carried out by OHCHR within the framework of the United Nations Decade for Human Rights Education (1995-2004), refer to: OHCHR, *Annual Report 2003, Implementation of Activities and Use of Funds*, pp. 46-48; OHCHR, *Annual Appeal 2004*, pp. 90-91; OHCHR, *Annual Appeal 2005*, pp. 101-103.

³ The implementation of the recommendation will be facilitated by the role and functions of the independent eminent experts. Indeed, in General Assembly resolution 59/177 of 20 December 2004, the Assembly requested OHCHR to convene the second session of the group of independent eminent experts before the sixty-first session of the Commission on Human Rights to determine a concrete programme of action, based on the core values of racial equality and dignity as elaborated in the outcome document of their first session.

⁴ The comprehensive study should be based on Ms. Mbonu's working paper submitted to the Sub-Commission (E/CN.4/Sub.2/2003/18) and on the discussions that took place at the fifty-fifth session of the Sub-Commission. The study will also contribute to fostering the entry into force of the Convention against Corruption, which has received widespread support measured by the number of States that have already signed it (106 as at April 2004), indicating both an acute awareness of the severity of the problem, as well as a remarkable political commitment to tackle it.
