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**Elimination of racism, racial discrimination,  
xenophobia and related intolerance: comprehensive  
implementation of and follow-up to the Durban  
Declaration and Programme of Action**

## **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**

### **Report of the Secretary-General**

#### *Summary*

The present report is submitted pursuant to General Assembly resolution 65/240 of 24 December 2010, entitled “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”, in which the Secretary-General was requested to submit to the Assembly, at its sixty-sixth session, a report on the implementation of that resolution, with recommendations.

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\* A/66/150.

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## I. Introduction

1. In its resolution 65/240, the General Assembly emphasized its alarm at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies.

2. In the same resolution, the General Assembly underlined the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination and stated that it was conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes played a role in weakening the rule of law and democracy, tended to encourage the recurrence of such crimes and required resolute action and cooperation for its eradication.

3. In accordance with previous practice and pursuant to General Assembly resolution 65/240, the present report summarizes information received from various actors. In preparing the report, the Office of the United Nations High Commissioner for Human Rights requested information from Member States and various stakeholders on the implementation of resolution 65/240. The Office of the High Commissioner received submissions from 26 Member States: Andorra, Colombia, Costa Rica, Croatia, Cyprus, Ecuador, Estonia, Finland, Georgia, Honduras, Iraq, Ireland, Jamaica, Lebanon, Lithuania, Mauritania, Mauritius, Morocco, Nicaragua, Portugal, Serbia, Seychelles, Slovenia, Sweden, Switzerland and Turkey. The Department of Public Information of the United Nations Secretariat, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF) also contributed to this report. Contributions were received as well from the European Commission, and national human rights institutions including the Netherlands Equal Treatment Commission, Observatorio Español del Racismo y la Xenofobia, the Ethiopian Human Rights Commission, the New Zealand Human Rights Commission, Procuraduría para la Defensa de los Derechos Humanos, the Qatar National Human Rights Committee and the Ombudsman of Bosnia and Herzegovina. The following non-governmental organizations provided input to the report: Amis des Étrangers au Togo, the Indonesian Anti-Discrimination Movement and the International League against Racism and Anti-Semitism.<sup>1</sup>

## II. Contributions received

### A. Member States

#### Andorra

4. Andorra reported that all forms of discrimination based on origin, nationality or ethnicity, sex, religion, philosophical or political opinion, trade union membership, physical or mental incapacity, lifestyle, and habits or sexual orientation are considered an offence under its Criminal Code. Article 338 defines as an offence the refusal of an official or authority to provide a specific service.

<sup>1</sup> The original text of the contributions is available for consultation in the files of the Secretariat.

5. The Police Act (No. 8/2004) of 27 May 2004 refers to the prohibition of all forms of discrimination on the grounds of race, religion, political opinion, sex, language, place of residence, place of birth or any other personal or social status or circumstance.

6. On 14 April 2010, the Government set up the State Secretariat for Equality and Welfare, which established the National Equality Commission mandated to facilitate cross-sectoral activities among all ministries, bodies and institutions, with a view to creating a space for reflection and debate on infringements of the principles of equality and non-discrimination and to implement policies of equality in respect of the most vulnerable groups.

### **Colombia**

7. Colombia adopted a number of laws protecting the right to non-discrimination, guaranteed by its national Constitution. In 1993, a specialized Law (No. 70) was adopted to protect the rights of persons of African descent. The adoption of Law 70 was followed by the adoption of a number of laws and decrees which led to the creation of the National Commission on Indigenous Peoples' Territories (1996) and the National Commission on Human Rights for Indigenous Peoples (1996). In 2001, a law to ensure inclusion of ethnic groups in the general social security system and the public-health system was adopted.

8. Most recently, in 2010, the Ministry of Culture proposed a law protecting indigenous languages and suggested a legal reform aimed at sanctioning acts of racial, national, cultural and ethnic discrimination.

9. A National Plan (2010-2014) was developed in consultation with indigenous peoples and the Afro-Colombian population to address issues in such areas as education, employment-generation, human rights protection and prevention, and land-titling of community property.

### **Costa Rica**

10. Costa Rica has launched a process for development of a plan of action to combat racism and racial discrimination and is in the process of establishing a new mechanism, the inter-institutional commission on human rights, with a view to implementing the plan of action, among other activities under its broader human rights protection mandate. In 2010, Costa Rica adopted a new law on migration and foreigners which is based on principles of equality and non-discrimination and reflects inclusive treatment of migrants and refugees.

11. Costa Rica has also developed a relationship with the Organization of American States involving close cooperation in promoting the adoption of a specialized instrument at the regional level to protect the right to non-discrimination.

### **Croatia**

12. Croatia adopted a National Plan for the Suppression of Discrimination (2008-2013) which outlines the key objectives to be attained and the measures of implementation. The National Plan covers a whole range of issues in the areas of family and social welfare, education, labour and employment, health care, national

minorities, protection of foreigners, suppression of discriminatory behaviour and tolerance.

13. Regarding the issue of racial and ethnic discrimination, Croatia adopted and implemented the National Programme for Roma, aimed at assisting the Roma population in improving their living conditions, including the Roma in decision-making, and enabling them to preserve their identity, culture and traditions. An Action Plan for the Decade of Roma Inclusion (2005-2015) was also adopted.

14. Apart from dealing with complaints of discrimination on various grounds, the Office of the Ombudsman also carried out promotional activities related to the suppression of discrimination.

### **Cyprus**

15. Cyprus highlighted the important legislation enacted to harmonize national law with the directives on racial discrimination in the field of employment of the Council of the European Union. Another important law adopted, which aims at the combating of racism and other discrimination, vests the Commissioner for Administration with special competences, duties and powers for combating and eliminating discrimination in both the public and private sectors.

16. Two separate institutions were created: the Cyprus Anti-discrimination Body which acts on the provisions of the Law on Equal Treatment regardless of Race and Ethnic Origin, and the Equality Authority, which acts in accordance with the provisions of the Equal Treatment of Women and Men in Occupation and Vocational Training Law (205(I)/2002) and the Equal Treatment in Occupation and Employment Law (58(I)/2004).

### **Ecuador**

17. In 2006, Ecuador adopted a law on collective rights of persons of African descent, and in 2007, established the Secretariat of Communities, Social Movements and Citizen Participation with the mandate to implement actions towards the elimination of racial discrimination and ethnic and cultural exclusion. This was followed by the creation of the National Commission on Afro-Ecuadorians, which includes representatives from 19 provinces.

18. The new Constitution, adopted in 2008, includes specific provisions (articles 11, 56 and 57) on non-discrimination and provides for the adoption of positive measures to promote equality for persons facing discrimination.

19. In September 2009, Ecuador adopted executive decree No. 60 which marked the adoption of a national plan to eliminate racial discrimination and ethnic and cultural exclusion.

### **Estonia**

20. Estonia pointed out that the integration of national minorities into the country's multicultural society, with its more than 260 State-supported ethnic groups, has been an integral part of the protection and promotion of human rights. At the core of the latest integration programme, for 2010-2013, elaborated in cooperation with the representatives of ethnic minorities, is a commitment to equal

opportunities and the involvement of all people in developing the society, regardless of their ethnicity, with particular attention given to youth.

21. Estonia also adopted an Equal Treatment Act which entered into force on 1 January 2009. The Act prohibits discrimination on the grounds of nationality (ethnic origin), race, colour, religious or other beliefs, age, disability or sexual orientation.

### **Finland**

22. In Finland, the Legal Affairs Unit of the Ministry of the Interior is responsible for coordination of equality and non-discrimination policies at the level of the Council of State. The Ministry of the Interior draws attention to the national policy against discrimination as constituting a part of implementation of the Durban Programme of Action.<sup>2</sup>

23. Finland reported that most of the objectives of the Durban Programme of Action have been taken into consideration by immigration, non-discrimination and human rights policies. The essential action plans and strategies in these areas are the Government Immigration Policy Programme, the Government Report to Parliament on the Human Rights Policy, the National Policy on Roma, the National Action Programme to Combat Discrimination and the Internal Security Programme.

24. Among other measures, Finland initiated several projects, including the AFRO project, coordinated by the Ministry of the Interior, which aims to influence the attitudinal climate and to increase the representation of third-country citizens in public administration.

### **Georgia**

25. In addition to the Code of Conduct of Public Broadcasters of March 2009, the Government of Georgia adopted, in May 2009, a National Concept and Action Plan for Tolerance and Civil Integration, which outlines national strategic considerations and defines objectives in six main areas including: rule of law, education and State language, media and access to information, political integration and civil participation, social and regional integration, and culture and the preservation of identity.

26. Georgia also noted that the principle of equality of all citizens before the law, recognized in its Constitution, is also embodied in the civil and criminal codes and the codes of criminal and civil procedure.

### **Honduras**

27. The State of Honduras, in consultation with the Organización de Desarrollo Étnico Comunitario, a national non-governmental organization, is currently working on a decree that would lead to the creation of a national commission to combat racial discrimination. Additional executive and legislative decrees have been adopted, including decree No. 330-2002, which declares April as the month for honouring persons of African descent in Honduras, and a decree creating a Special Secretariat on Indigenous Peoples and Persons of African Descent in Honduras.

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<sup>2</sup> See A/CONF.189/12 and Corr.1, chap. I.

### **Iraq**

28. Iraq reported that its Human Rights Ministry works on the promotion of human rights education, including in relation to the principle of non-discrimination. The National Council of the Human Rights Ministry has drawn up a plan that includes training sessions, workshops and conferences for State employees, and for law enforcement personnel in all relevant ministries, with a view to combating discrimination.

29. A national human rights action plan, which is currently being finalized, will allow Iraq to comply with its international human rights obligations.

### **Ireland**

30. The Government of Ireland has, in addition to the National Action Plan Against Racism, introduced a range of key policy and legislative measures, including the current Social Partnership Agreement (Towards' 16) which establishes important commitments related to migrant integration and equality, and a National Action Plan for Social Inclusion, aimed mainly at facilitating the integration of migrants into Irish society. The Race Directive, which was signed into law under the Equality Act in 2004, implements the principle of equal protection among persons, irrespective of racial or ethnic origin.

31. Under the National Action Plan of 2005-2008, a number of grant schemes were supported to encourage persons from immigrant communities in Ireland to integrate into Irish society through participation in sporting organizations. In addition, support was made available to the Football Association of Ireland for developing an intercultural strategy known as "Many Voices, One Goal" (launched in 2008), which is designed to examine how best to increase the participation in football of people from minority ethnic and cultural backgrounds.

### **Jamaica**

32. Jamaica reported that racial discrimination is illegal in the country and that it had enacted the Charter of Fundamental Rights and Freedoms, which is compatible with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>3</sup> to which Jamaica has been a party since 1971.

33. It is also to be noted that Jamaica and other Caribbean Community and Common Market countries initiated a project for the erection of a permanent memorial at the United Nations in New York to acknowledge the tragedy of slavery and to honour victims of slavery and the transatlantic slave trade.

### **Lebanon**

34. The Government of Lebanon pays particular attention to the issue of elimination of discrimination against women and improvement of the situation of women migrant domestic workers. In November 2005, the Ministry of Labour, in cooperation with international organizations and civil society, organized a workshop on "Raising awareness about the situation of women migrant domestic workers in Lebanon". The workshop released 10 recommendations, including on: the need for establishing a national committee; developing unified recruitment contracts;

<sup>3</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

collecting data and statistics; the establishment of a special office in the Ministry of Labour for assisting women migrant domestic workers; issuing publications and handbooks for women workers to assist them in becoming familiar with knowing their rights; organizing a campaign to promote the rights of women workers, including the right to retain their personal documents (identity papers) and the right to freedom of movement and to privacy; and giving the director of general security and the internal security forces the power to protect some of the rights of women workers.

### **Lithuania**

35. Lithuania referred to the Law on Equal Treatment which prohibits direct and indirect discrimination, harassment, and instructions to discriminate on the basis of gender, race, nationality, origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnic origin or religion. In addition, the Law provides that alleged victims of discrimination can file a complaint with the Equal Opportunities Ombudsman. The Law was supplemented with important provisions concerning racial discrimination, which prohibit discrimination in the field of social protection on the grounds of race or ethnicity and grant more procedural guarantees to victims of discrimination, including racial discrimination.

36. It is to be noted that on 17 April 2009, the Government, seeking to ensure the follow-up activities of the previous National Anti-Discrimination Programme (2006-2008), approved a new Programme, for 2009-2011.

### **Mauritania**

37. Mauritania reported that since 2008, the Government had initiated a broad programme with a view to eradicating the legacy of slavery. This programme aims at reducing socio-economic inequalities through improvements in livelihoods and the conditions for emancipation of the population affected by the legacy of slavery. The priority areas identified in the programme include: participatory planning; basic infrastructure (education, health and hydraulics); financial capacity of the beneficiaries; and raising of awareness and strengthening of the administrative and technical capacity of the concerned population.

### **Mauritius**

38. Mauritius pointed out that the National Human Rights Commission is empowered to enquire into written complaints from any person alleging that his or her human rights have been or are likely to be violated by the act or omission of any other person acting in the performance of the functions of a public office or public body.

39. Mauritius also reported that the Truth and Justice Commission Act, which came into force in February 2009, provides for the setting up of a Truth and Justice Commission. The Commission shall conduct inquiries into issues related to slavery and indentured labour during the colonial period in the country, and determine appropriate measures to be taken with respect to descendants of slaves and indentured labourers, enquire into complaints made by persons aggrieved by dispossession or prescription with regard to any land in which they claim to have an interest, and prepare a comprehensive report on its activities and findings based on factual and objective information and evidence.



## Morocco

40. The legislature of Morocco characterized discrimination as a criminal offence in a legislative enactment supplementing the 2003 Criminal Code, adopting in that regard a definition that is consistent with international instruments, especially with the provisions of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 431-1 of the Code criminalizes discrimination and defines it as “any distinction between natural persons on grounds of national origin, social origin, colour, race, family status, state of health, disability, political opinion or trade union membership, or on account of the person’s actual or alleged membership or non-membership of a particular race, nation, ethnic group or religion”.

41. Discrimination has also been explicitly defined as an offence in the area of employment. Article 9 of the Labour Code prohibits all forms of discrimination on grounds of descent, colour, sex, disability, marital status, belief, political opinion, trade union membership, or national or social origin, that violate or undermine the principle of equality of opportunity or treatment in the area of employment or pursuit of an activity, particularly with respect to recruitment, the management and assignment of work, vocational training, remuneration, promotion, the right to social benefits, disciplinary measures and dismissal.

42. Morocco noted that its legislation governing the media and creation of associations and the Political Parties Act have been amended to include explicit provisions prohibiting discrimination.

## Nicaragua

43. Nicaragua has adopted numerous laws protecting the right to non-discrimination, including the Constitution, the Criminal Code, the Labour Code and, most recently, the law on equality of rights and opportunities (2008). Nicaragua established its national human rights institution or ombudsman, la Procuraduría para la Defensa de los Derechos Humanos, with the adoption of Law 212 in 1996 and nominated the first *procurador* for the defence of human rights in 1999.

44. Between 2005 and 2010, the National Institution for the Promotion and Defence of Human Rights developed 22 training modules on various aspects of human rights protected under Law 212, including on rights of persons and groups facing discrimination.

45. In 2010, the Office of the Ombudsman and the National Office on Promotion and Education developed a training module on human rights and the principle of non-discrimination directed towards government officials.

## Portugal

46. Portugal has adopted a number of national action plans in the field of human rights, including the fourth National Plan for Equality, Citizenship and Gender 2011-2013. Combating racism, racial discrimination, xenophobia and related intolerance is an integral component of the second National Plan for the Integration of Immigrants (2010-2013).

47. The Portuguese Constitution addresses discrimination based on race in its article 13, which states that “every citizen shall possess the same social dignity and

shall be equal before the law”. With regard to workers’ rights, the Constitution, through article 59, extends the same prohibition of discrimination to the workplace. In addition, racist organizations and organizations that “display a fascist ideology” are prohibited under article 46 (4) of the Constitution.

48. In addition to being protected by the legal and judicial actions for the enforcement of the legal provisions mentioned above, individuals can submit complaints to the Commission for Equality and against Racial Discrimination, a specialized body dealing with racial discrimination, which was formally created in 2000.

### **Serbia**

49. Serbia noted that the Ministry in charge of telecommunications and the information society undertakes measures, within its competence, that are necessary to combat incitement to violence motivated by racial hatred. It does so by means of communication technologies, including the Internet. The Ministry organized in this regard a comprehensive campaign entitled “Click safely”, with the goal of raising awareness of users, especially children, of the potential dangers of the Internet, and pointing out to the general public the growing problem of unsafe and inappropriate Internet content to which children are exposed.

50. Serbia also reported that the Anti-Discrimination Law establishes the Commissioner for Equality as an independent specialized State body with a wide scope of legal competences. The Commissioner for Equality has competences for promoting equality and for warning the public about the most frequent, typical and severe cases of discrimination, for monitoring the implementation of the law and other regulations, for initiating the adoption or amendment of regulations in order to implement or enhance protection against discrimination, for providing opinions on provisions of laws and regulations relevant to anti-discrimination, and for making recommendations to public authorities and other entities on practices for ensuring equality.

### **Seychelles**

51. Seychelles reported that section 7.2 of the Political Parties Act, 1992, as updated in 1996, provides that: “A political party shall be deemed to have a purpose or object which is unlawful for the purposes of this Act if it seeks, directly or indirectly, to further ethnical, racial or religious discrimination or discrimination on the ground of colour.”

52. Section 46 A of the Employment Act, as amended in 2006, details the prohibited grounds of discrimination at work which include “worker’s age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation, political, trade union or other association”. The “interpretation” section of the Act (sect. 2) contains a definition of “harassment” that includes any “unfriendly act, speech or gesture of one person towards another that is based on the other person’s age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation, political, trade union or other association as would adversely affect the other person’s dignity or make that person feel threatened, humiliated or embarrassed”.

## **Slovenia**

53. Slovenia reported that the Ministry of Culture has established a Department for Cultural Diversities and Human Rights, whose task is, among others, to continuously extend the range of concerns in preventing discrimination. In 2011, the Department proposed additional measures against multiple forms of discriminations. Moreover, anti-discrimination measures have been included in the wider context of human rights, which provides a sufficiently broad and complex framework for dealing with these issues.

54. In 2004, the Republic of Slovenia adopted the Implementation of the Principle of Equal Treatment Act, which prohibits direct and indirect discrimination based on any personal circumstance, including nationality, racial and ethnic origin.

55. Slovenia reported that in 2010, the Office for Equal Opportunities implemented the project entitled “Equal in diversity”, which aimed at raising awareness of the prohibition of discrimination and discrimination’s negative consequences, and at overcoming existing stereotypes and prejudice in different areas.

## **Sweden**

56. Sweden reported that it had enacted a new Anti-Discrimination Act, which entered into force on 1 January 2009. The Act includes protection against discrimination on five previously protected grounds, namely, gender, ethnic origin, religion or other belief, disability and sexual orientation. The Act is based on several international anti-discrimination instruments to which Sweden has acceded. In conjunction with the adoption of the Anti-Discrimination Act, a new agency was established, the Equality Ombudsman, with the responsibility for supervising compliance with the Anti-Discrimination Act and to combat discrimination and promote equal rights-based opportunities for everyone.

57. Sweden has recently taken steps to reform its policy on national minorities. A new bill, entitled “From recognition to empowerment: the government’s strategy for the national minorities”, adopted in 2009, contains a number of initiatives designed to improve the situation of national minorities, including a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010.

## **Switzerland**

58. Switzerland reported that the Federal Constitution prohibits all forms of discrimination. All administrative services are required to respect fundamental rights and contribute to their achievement. In addition to the criminal anti-racist norms, many provisions of constitutional, private, criminal and administrative laws protect concerned populations against discrimination.

59. Switzerland also pointed out that its Service for the Fight against Racism currently implements a monitoring system on racism, xenophobia and discrimination. Since 2008, strong collaboration among the Service for the Fight against Racism, the Federal Commission against Racism, Humanrights.ch, an information platform for human rights, and other services providing consultation services in cases of racism, has led to monitoring projects on cases concerning racism and the development of an online database that follows up on the cases.

60. The Federal Commission against Racism provides the cantons and cities with consultation services and expertise.

### **Turkey**

61. Turkey reported that it had incorporated sound and effective measures into its legislation concerning non-discrimination.

62. In September 2010, with the amendment made to article 10 of the Constitution entitled “Equality before the Law”, a constitutional basis was provided for women and men and children, the elderly and disabled persons who require social protection from discrimination.

63. It is also to be noted that article 122 of the Penal Code criminalizes economic discrimination on the basis, inter alia, of language, race, colour, sex, political thought, philosophical belief, religion and denomination. Article 216 of the Penal Code sets out penal sanctions against inciting the population to enmity, hatred or denigration.

## **B. United Nations entities**

64. The activities of the Office of the United Nations High Commissioner for Human Rights and the human rights-related mechanisms are outlined in section III below. The present section summarizes the information that was received from other United Nations entities.

### **Department of Public Information of the United Nations Secretariat**

65. The Department of Public Information of the United Nations Secretariat, working in close collaboration with the Office of the United Nations High Commissioner for Human Rights, initiated a range of activities to promote the observance of the International Day for the Elimination of Racial Discrimination (21 March), the International Year for People of African Descent and the tenth anniversary of the Durban Declaration and Programme of Action.

66. The Department engaged its network of United Nations information centres in promoting the International Day for the Elimination of Racial Discrimination through collaboration and proactive outreach initiatives.

67. As part of its educational outreach on racial discrimination, the Department organized, on 21 March, a videoconference for middle- and high-school students, for the purpose of discussing the theme of the Day. Approximately 200 students gathered at United Nations Headquarters in New York, where they were linked by videoconference to their counterparts in British Columbia (Canada), Maryland and New Jersey (United States of America) and Port of Spain (Trinidad and Tobago).

68. The Department has also been providing extensive coverage of events and issues related to racism, racial discrimination and the Durban Declaration and Programme of Action.<sup>4</sup> United Nations Webcast has streamed and archived 18 hours of events covered by UNTV.

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<sup>4</sup> See A/CONF.189/12 and Corr.1, chap. I.

### **Office of the United Nations High Commissioner for Refugees (UNHCR)**

69. Following the adoption of the Durban Declaration and Programme of Action and the Durban Review Conference, UNHCR offices in countries both of origin and of asylum have been encouraged to continue to work with relevant government counterparts, and non-governmental organization and intergovernmental organization partners to raise awareness of the problem of racism and xenophobia directed against refugees, asylum-seekers, returnees, and stateless and internally displaced persons.

70. UNHCR referred to its note entitled “Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach” (December 2009), which emphasizes seven elements, taking into consideration the particular situation of persons of concern to UNHCR, namely, (a) monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes; (b) analysing the underlying reasons; (c) assessing the manifestations of these phenomena and their impact on protection; (d) understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination; (e) engaging a network of diverse organizations and actors that implement complementary activities, targeting different groups in society; (f) including affected communities in the strategic approach; and (g) providing individual support to victims.

71. It is to be noted that UNHCR provides direct support to individuals who are victims of crimes motivated by racism or xenophobia, including through providing legal aid and counselling.

### **International Labour Organization (ILO)**

72. In the framework of its project entitled “Combating inequalities and discrimination in the world of work”, ILO organized an interregional meeting for 24 countries entitled “Towards a strategy for trade unions in the fight against racial discrimination and xenophobia”.

73. ILO also worked with trade unions in Brazil, Nepal, Romania and South Africa on the implementation of action plans to combat racial discrimination and xenophobia. Activities under these action plans included: (a) the design, publication and dissemination of awareness-raising materials, for distribution and display at the main departure points for migrant and potential migrant labour in Nepal; (b) a national study on the situation of the Roma population, with the aim of developing a database to monitor the situation; and research regarding the inclusion of Romanian migrants in the Italian and Spanish labour markets, undertaken by the National Trade Union Congress (Cartel Alfa) of Romania; (c) two national workshops, in two different South African provinces, for trade union members, with special emphasis on national and international instruments that promote equality of treatment and opportunity; and (d) a national three-day residential awareness-raising workshop organized jointly with the National Commission against Racial Discrimination in Brazil.

### **United Nations Children’s Fund (UNICEF)**

74. UNICEF is contributing to the implementation of the recommendations of the 1993 Vienna Declaration and Programme of Action<sup>5</sup> and the 2001 Durban

<sup>5</sup> A/CONF.157/24 (Part I), chap. III.

Declaration and Programme of Action as regards promoting the rights of indigenous and minority groups. Its Medium-term Strategic Plan, 2006-2013: Investing in Children: the UNICEF contribution to poverty reduction and the Millennium Agenda (2006-2013), clearly recognizes that: "In some countries, the children of indigenous populations tend to be disproportionately deprived of basic services. UNICEF's cooperation will seek to benefit these children as a matter of priority, where needed." The Medium-term Strategic Plan intends to go beyond providing support for specific programmes and projects to tackling, through the enhancement of relevant public policies, the root causes of discrimination against and exclusion of indigenous children. UNICEF identifies five focus areas that guide its efforts in respect of asserting the rights of children in general and indigenous children in particular: (a) young child survival and development; (b) basic education and gender equality; (c) HIV (AIDS) and children; (d) child protection from violence, exploitation and abuse; and (e) policy advocacy and partnerships for children's rights.

## **C. Regional organizations**

### **European Commission and European External Action Service**

75. The European Union reported that in order to develop an area of freedom, security and justice, the European Council had adopted a new multiannual programme, the Stockholm Programme, for the period 2010-2014. It is stated in this programme, under the heading "Living together in an area that respects diversity and protects the most vulnerable", that "measures to tackle discrimination, racism, anti-Semitism, xenophobia and homophobia must be vigorously pursued". For this purpose, the Commission is invited to "make full use of the existing instruments, in particular the financing programmes to combat racism and xenophobia".

76. According to the Action Plan implementing the Stockholm Programme "all policy instruments available will be deployed to provide a robust European response to ... fight all forms of discrimination, racism, xenophobia".

77. The Charter of Fundamental Rights of the European Union prohibits, in its article 21, any discrimination on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation or nationality.

78. The European Union has also adopted anti-discrimination directives, including Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, which lays down a binding framework through prohibition of racial discrimination throughout the Union in the areas of employment, education, social protection (including social security and health care), social advantages and access to goods and services (including housing).

79. Council Directive 2000/78/EC of 27 November 2000 establishes a general framework for equal treatment in employment and occupation. This Directive covers direct and indirect discrimination, and harassment and instruction to discriminate, in employment and training, on the grounds of religion or belief, age, disability and sexual orientation.

80. The Audiovisual Media Services Directive 2010/13/EU of the European Parliament and of the Council prohibits content inciting to hatred on grounds of race, sex, religion or nationality in all audiovisual media services (both television broadcasts and on-demand services), whatever their means of delivery, including the Internet.

## **D. National human rights organizations**

### **Office of the Ombudsman in Bosnia and Herzegovina**

81. The Office of the Ombudsman in Bosnia and Herzegovina (the Ombudsman) is empowered to protect individuals through court action, consideration of individual complaints and mediation.

82. In 2009, Bosnia and Herzegovina created a comprehensive framework of civil and administrative regulations for protection against discrimination when it enacted the Law on Prohibition against Discrimination. The Government, through the Ombudsman, engaged in a series of activities targeted at promoting the Law, which included the organization of round tables, the preparation of information brochures aimed at raising citizen awareness concerning the issue of discrimination, talk shows, and the preparation of television campaigns, in partnership with the Council of Europe, entitled “Say no to discrimination”.

### **New Zealand Human Rights Commission**

83. The New Zealand Human Rights Commission reported that it has established a “Durban network” of national human rights institutions for the implementation of the Durban Declaration and Programme of Action, with a regularly updated Facebook page and a newsletter with links to news items about action of national human rights institutions on indigenous rights, racial discrimination and cultural diversity.

84. The main functions of the Human Rights Commission are to promote and protect human rights; to encourage the development of harmonious relations; to promote equal employment opportunities; and to provide a dispute resolution service for complaints of discrimination on the grounds (among others) of colour, race, and ethnic or national origins.

85. The Act creating the Commission also provides for the appointment of a Race Relations Commissioner to lead the Commission on matters relating to race relations.

### **Ethiopian Human Rights Commission**

86. The Ethiopian Human Rights Commission is mandated to promote human rights, and to educate the public and create sufficient awareness regarding human rights. In addition to the general campaign for the public, police and judicial authorities receive special training designed to equip them for dealing with issues of racial discrimination.

87. The Commission reported that a civics and ethical education course was included in the curriculum from the primary to the tertiary level. In the course,

specific topics have been assigned for study encompassing the relation among diversity, tolerance, peace and equality among nations, nationalities and peoples.

#### **Netherlands Equal Treatment Commission**

88. The Commission pointed out that its mandate is to monitor compliance with equality-related legislation by rendering decisions on individual complaints, conducting formal investigations and providing advice and training. The Commission also noted that it does not cover discrimination in all fields of life, but only in relation to labour, education and the provision of goods and services.

89. The Commission also reported that the Government of the Netherlands has implemented the Durban Declaration and Programme of Action through a National Action Plan to Combat Racial Discrimination, followed in September 2010 by an Action Programme to Combat Discrimination, whose aims are not limited to combating racial discrimination, but also include combating discrimination on other grounds, with a special focus on anti-Semitism.

90. The Commission also reported the adoption by the Government, inter alia, of the Municipal Anti-Discrimination Provision Act, which provides for a network of local or regional anti-discrimination bureaux.

#### **Observatorio Español del Racismo (Spain)**

91. The Observatorio Español del Racismo reported that a special unit designed to handle hate crimes has been established in the Prosecutor's office in Barcelona, Cataluña and Madrid. In Cataluña, the office is specially equipped to handle cases of discrimination based on sexual orientation and gender identity.

92. The Observatory also reported that a specialized body, Observatorio de Antisemitismo, had been created to raise awareness regarding anti-Semitism in Spain. In 2007, the Observatory on Violence, Racism and Xenophobia and Intolerance in Sports was created to study and analyse the situation of discrimination and violence in sports.

93. Finally, the Observatory pointed out that the Defensor del Pueblo (human rights ombudsman) has spent the last several years investigating hate crimes, in particular cyberspace hate crimes. Notwithstanding the evidentiary challenges linked to investigating this type of crime, the Defensor del Pueblo has found that cyberspace hate crime and music hate crime are punishable under article 510 of the Criminal Code. The offices of the ombudsman and the Observatory have collaborated in elaborating a training manual for media professionals on ethical reporting and reporting on issues of migration and immigration. Similarly, the two institutions collaborated on developing a manual for security forces with a view to promoting equal treatment of migrants, especially during questioning and security checks.

#### **Qatar National Human Rights Committee**

94. The Constitution of Qatar guarantees the principle of equality, equal opportunities and equal rights and obligations for all citizens, and equality before the law without distinction as to sex, origin, language or religion.



95. The Committee pointed out that Qatar has enacted a number of laws and regulations guaranteeing individual recourse to the judicial system without discrimination, and effective remedies in the event that an individual suffers damages as a result of discrimination.

96. The Committee also referred to the Penal Code, which prohibits incitement to racial hatred, and the law on printing and publishing, which prohibits the publication of material flagrantly promoting specific sectarian, racial or religious belief.

## **E. Non-governmental organizations**

### **Indonesian Anti-Discrimination Movement**

97. The Indonesian Anti-Discrimination Movement reported that during the period of the last 10 years, Indonesia initiated several legal reforms in order to abolish laws that discriminate against racial groups and build anti-discrimination standards in Indonesia; and referred, among other examples, to the new law on the elimination of racial and ethnic discrimination (No. 40/2008) which oversees the prohibition of racial discrimination.

### **International League against Racism and Anti-Semitism**

98. The International League against Racism and Anti-Semitism reported that it had signed, on 1 December 2010, an agreement with the Ministry of the Interior of France committing both parties to joint action against racism and anti-Semitism in the next three years. Another agreement was signed, on 9 November 2010, with the Department of Penitentiary Administration aimed at initiating a programme of actions to promote the fight against discrimination.

99. The League also noted that it continues to work with all stakeholders in the education system and organizes workshops on issues related to the fight against racism and xenophobia.

100. Among other initiatives, the International League against Racism and Anti-Semitism, in partnership with the Professional Football League and the Union of Professional Football Clubs, launched a new initiative in the fight against racism in football in France, including the provision of a telephone number available on different communication media in stadiums and on the Web.

### **Amis des Étrangers au Togo**

101. Amis des Étrangers au Togo referred to its awareness-raising campaigns aimed at fostering a better knowledge of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action, and reported that the Togolese constitution, code of the press and Penal Code include provisions against racism.

## **III. Update on activities**

102. Below is a summary of various developments in the United Nations human rights system that have occurred since the submission of the last report (A/65/377).

## **A. Office of the United Nations High Commissioner for Human Rights**

103. The Office of the United Nations High Commissioner for Human Rights continued to assist countries in implementing their international and regional obligations and commitments related to non-discrimination. Benin, Bolivia (Plurinational State of), Burkina Faso, Costa Rica and Uruguay have received technical assistance for the development of national action plans aimed at eliminating racial discrimination and related intolerance so as to strengthen their capacity to draw up effective public policies. Argentina, Brazil and Ecuador started collecting data on the socio-demographic status of people of African descent and indigenous peoples, in follow-up to a regional seminar for Latin American and Caribbean countries on data collection and the use of indicators to promote and monitor racial equality and non-discrimination, organized by the Office of the High Commissioner in Brazil in 2010.

104. Furthermore, the Office of the High Commissioner organized a workshop in Addis Ababa from 7 to 9 December 2010, entitled “Development and implementation of national action plans against racial discrimination and related intolerance”. The overall objective of the workshop was to enhance the capacities of Governments to initiate, develop, implement and evaluate national action plans against racism, racial discrimination, xenophobia and related intolerance, in collaboration with various stakeholders, including national human rights institutions and civil society organizations.

105. The workshop sessions included: (a) an overview of human rights norms and mechanisms for combating racism, racial discrimination, xenophobia and related intolerance; (b) preparation and development of national action plans; and (c) implementation, follow-up and evaluation of national action plans.

106. The commemoration of the International Day for the Elimination of Racial Discrimination was held on 21 March 2011, under the slogan “People of African descent: recognition, justice and development”, in observance of the International Year for People of African Descent.

### **International Year for People of African Descent**

107. The Office of the United Nations High Commissioner for Human Rights carried out a number of activities in the context of the International Year for People of African Descent (2011), including the organization of a panel on the full enjoyment of the human rights of people of African descent, held during the high-level segment of the sixteenth session of the Human Rights Council; a thematic discussion on the situation of people of African descent, held during the seventy-eighth session of the Committee on the Elimination of Racial Discrimination; a focus on people of African descent during the commemoration of the International Day for the Elimination of Racial Discrimination; a toolkit prepared for field offices of the Office of the United Nations High Commissioner for Human Rights containing materials relevant to tackling discrimination against people of African descent; and a fellowship programme organized for people of African descent. More information on all the activities carried out by the Office of the High Commissioner in the context of the International Year may be found in the Secretary-General’s report to the General Assembly on the programme of activities for the International Year for People of African Descent (see A/65/227, sect. IX).

## **B. Durban follow-up mechanisms**

108. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its eighth session from 11 to 22 October 2010. The Ambassador and Permanent Representative of Djibouti to the United Nations, Mohamed Siad Douale, was re-elected as Chairperson-Rapporteur. The summaries of the deliberations and the adopted conclusions and recommendations can be found in the report on the session (A/HRC/16/64).

109. The Ad Hoc Committee on the Elaboration of Complementary Standards held its third session from 22 to 23 November 2010 and from 11 to 21 April 2011. It submitted its report on its third session (A/HRC/18/36) to the Human Rights Council at its eighteenth session (pursuant to Council decisions 3/103 and 10/30 and resolution 6/21), which summarized the proceedings and the discussions that were held during the third session. Jerry Mathews Matjila, Permanent Representative of South Africa to the United Nations Office at Geneva, was elected its Chairperson-Rapporteur by acclamation.

110. The tenth session of the Working Group of Experts on People of African Descent, which was held in Geneva from 28 March to 1 April 2011, focused on the International Year for People of African Descent. The issues addressed in the thematic debate encompassed (a) an overview of the current situation facing people of African descent; (b) the perspective of the Working Group on positive discrimination; (c) the contribution made by people of African descent to global development; and (d) the lack of knowledge of the culture, history and traditions of people of African descent on the part of they themselves as well as others. The report of the session (A/HRC/18/45) contains a summary of deliberations and conclusions and recommendations.

111. From 16 to 20 May 2011, the Working Group also carried out a country visit to Portugal, where it met with Government authorities, civil society organizations and members of the Afro-descendent community. The report of this visit, including conclusions and recommendations, will be submitted to the Human Rights Council in 2012.

## **C. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

112. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has submitted his interim report for consideration by the General Assembly at its sixty-sixth session (see A/66/312). The report highlights all the issues addressed and the activities undertaken in the framework of his mandate since his previous annual report to the Assembly (see A/65/295).

113. Among the issues addressed, the Special Rapporteur emphasized the thematic report submitted to the Human Rights Council at its seventeenth session (A/HRC/17/40). The report assessed racism, racial discrimination, xenophobia and related intolerance against Roma and discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status.

114. With respect to racism, racial discrimination, xenophobia and related intolerance against Roma, the Special Rapporteur noted that while positive developments and good practices had been identified at the regional and national levels, they were nevertheless insufficient. He indicated that important challenges remained which revealed grave and deep-rooted problems of racism, racial discrimination, xenophobia and related intolerance against Roma. Those problems need to be addressed in the most vigorous manner. The Special Rapporteur highlighted the fact that it was essential that States develop a comprehensive approach based on stronger legal, political and institutional measures, taking into account the structural dimension of racism, racial discrimination, xenophobia and related intolerance against Roma; the interrelation between the racism and racial discrimination suffered by the Roma and their socio-economic marginalization and political exclusion; and the situation of the most vulnerable Roma.

115. Regarding work- and descent-based discrimination, including discrimination based on caste and analogous systems of inherited status, the Special Rapporteur stressed that the vital first step was recognition by States that discrimination on the grounds of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur invited Governments to include information on the issue of discrimination based on caste and other analogous systems of inherited status in their reports to United Nations human rights bodies. He also recommended the collection of disaggregated data, on a regular basis, to ensure the capacity to identify the number of people affected and design appropriate strategies for fighting this kind of discrimination.

#### **D. Committee on the Elimination of Racial Discrimination**

116. During its seventy-seventh and seventy-eighth sessions, held in Geneva from 2 to 27 August 2010 and from 14 February to 11 March 2011, respectively, the Committee on the Elimination of Racial Discrimination adopted concluding observations and recommendations on 23 periodic reports of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

117. The Committee followed up on the implementation of its relevant recommendations through continued correspondence with the respective States parties and encouraged reporting efforts by States parties whose initial or periodic reports were seriously overdue. The Committee recommended that each State party with which it had held a dialogue on the implementation of the Convention give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome of the Durban Review Conference,<sup>6</sup> held in Geneva in April 2009, and to include in its next periodic report information on national action plans or other measures taken in this regard, in light of its General Recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, adopted at its seventy-fifth session in August 2009.<sup>7</sup>

<sup>6</sup> See A/CONF.211/8.

<sup>7</sup> See A/64/18, annex VIII.

118. Under its early warning and urgent action procedure, the Committee considered a number of situations relating to patterns of discrimination on the grounds of ethnicity, indigenous rights and discrimination against Roma, and legislative developments with the potential to undermine the rights enshrined in the Convention.

119. At its seventy-eighth session, the Committee held a thematic discussion on racial discrimination against people of African descent in light of General Assembly resolution 64/169 of 18 December 2009, in which the Assembly had proclaimed the year beginning 1 January 2011 the International Year for People of African Descent.

#### **IV. Conclusions and recommendations**

120. **Some progress has been made in combating racism, racial discrimination, xenophobia and related intolerance. Still, these phenomena have not been eradicated and no country can claim to be free of their destructive influence.**

121. **Even stronger political will and urgent measures are needed to reverse the worrisome trends over the last years of increasingly hostile racist and xenophobic attitudes and violence. Intercultural dialogue, tolerance and respect for diversity are essential for combating racial discrimination and related intolerance.**

122. **In order to review progress with regard to the comprehensive implementation of, and follow-up to, the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference, all stakeholders are invited to regularly submit updated inputs, in accordance with requests for information.**

123. **Member States are encouraged to invite the Working Group of Experts on People of African Descent to carry out country visits, particularly in light of the fact that 2011 is the International Year for People of African Descent. Member States, civil society organizations and other stakeholders are also encouraged to carry out activities in the context of the International Year.**

124. **Member States and other stakeholders are invited to participate actively in the deliberations on the Durban follow-up mechanisms and to implement the recommendations emanating therefrom.**

125. **Member States that have not yet done so are encouraged to develop and implement national action plans in order to combat racial discrimination and related intolerance.**

126. **International and regional organizations are encouraged to intensify collaboration in fighting against racism, racial discrimination, xenophobia and related intolerance.**