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WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Durban, 31 August-7 September 2001
Agenda item 10

ADOPTION OF THE FINAL DOCUMENT AND THE REPORT OF THE CONFERENCE

Report of the Main Committee

Rapporteur: Ms. Najat Al-Hajjaji (Libyan Arab Jamahiriya)

Draft programme of action

1. At its meeting, on 7 September 2001, the Main Committee considered the draft programme of action submitted to it by the working group as contained in the present document and addenda. The principal document contains paragraphs adopted by the Preparatory Committee, and the addenda contain paragraphs adopted by the working group at the World Conference.
2. At the same meeting, the Committee approved the draft programme of action, as amended, and recommended it to the Conference for adoption.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:

1. Urges States in their national efforts, and in cooperation with other States, regional and international organizations and financial institutions, to promote the use of public and private investment in consultation with the affected communities in order to eradicate poverty, particularly in those areas in which [list or generic description to replace: peoples and communities who are victims of racism, racial discrimination and exclusion/indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities] predominantly live; (ADOPTED at 2nd PrepCom)
8. Urges States to work nationally and in cooperation with other States and relevant regional and international organizations and programmes to strengthen national mechanisms to promote and protect the human rights of [persons affected by, vulnerable to, or] victims of racism, racial discrimination, xenophobia and related intolerance who are infected, or presumably infected, with pandemic diseases such as HIV/AIDS and to take concrete measures, including preventive action, appropriate access to medication and treatment, programmes of education, training and mass media dissemination to eliminate violence, stigmatization, discrimination, unemployment and other negative consequences arising from these pandemics; (ADOPTED at 2nd PrepCom)
10. Urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture; (ADOPTED at 2nd PrepCom)
11. Requests States, supported by international cooperation as appropriate, to consider positively concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives in communities of primarily African descent; (ADOPTED at 3rd PrepCom)
13. Requests the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by

people of African descent living in the African diaspora and make proposals for the elimination of racial discrimination against people of African descent; (ADOPTED at 2nd PrepCom)

14. Urges financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

(a) Assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of these populations in developing countries, inter alia through the preparation of specific programmes of action;

(b) Carry out special projects, through appropriate channels and in collaboration with Africans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

(c) Develop programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives; (ADOPTED at 3rd PrepCom)

15. Requests States to increase public actions and policies in favour of women and young males of African descent, given that racism affects them more deeply, placing them in a more marginalized and disadvantaged situation; (ADOPTED at 3rd PrepCom)

16. Urges States to ensure access to education and promote access to new technologies that would offer Africans and people of African descent, in particular women and children, adequate resources for education, technological development and long-distance learning in local communities, and further urges States to promote the full and accurate inclusion of the history and contribution of Africans and people of African descent in the education curriculum; (ADOPTED at 3rd PrepCom)

17. Encourages States to identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector, including the public service, and in particular the administration of justice, and to take appropriate measures to remove the obstacles identified and also to encourage the private sector to promote equal access to, and the equitable presence of, people of African descent at all levels within their organizations; (ADOPTED at 3rd PrepCom)

19. Urges States, in accordance with international human rights standards and their respective domestic legal framework, to resolve problems of ownership of ancestral lands inhabited for generations by people of African descent and to promote the productive utilization of land and the comprehensive development of these communities, respecting their culture and their specific forms of decision-making; (ADOPTED at 3rd PrepCom)

20. Urges States:

(a) To adopt or continue to apply, in concert with them, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment [by indigenous peoples? of their rights, as well as to guarantee them the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular in matters affecting or concerning their interests; (ADOPTED at 3rd PrepCom)

(b) To promote better knowledge of and respect for indigenous cultures and heritage; and welcomes measures already taken by States in these respects; (ADOPTED at 3rd PrepCom)

21. Urges States to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment, where appropriate, through the establishment, acquisition or expansion by indigenous peoples of enterprises, and the implementation of measures such as training, the provision of technical assistance and credit facilities; (ADOPTED at 3rd PrepCom)

22. Urges States to work with indigenous peoples to establish and implement programmes that provide access to training and services that could benefit the development of their communities; (ADOPTED at 3rd PrepCom)

23. Requests States to adopt public policies and give impetus to programmes on behalf of and in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in regard to education, their physical and mental health, economic life and in the matter of violence against them, including domestic violence; and to eliminating the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination; (ADOPTED at 3rd PrepCom)

24. Recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their Constitutions, laws, legal systems and policies in order to identify and eradicate racism, racial discrimination, xenophobia and related intolerance towards indigenous peoples and individuals, whether implicit, explicit or inherent; (ADOPTED at 3rd PrepCom)

25. Calls upon concerned States to honour and respect their treaties and agreements with indigenous peoples and to accord them due recognition and observance; (ADOPTED at 3rd PrepCom)

26. Calls upon States to give full and appropriate consideration to the recommendations produced by indigenous peoples in their own forums on the World Conference; (ADOPTED at 3rd PrepCom)

27. Requests States:

(a) To develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in this Plan of Action;

(b) To promote in concert with indigenous organizations, local authorities and non-governmental organizations, actions aimed at overcoming racism, racial discrimination,

xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in this regard;

(c) To promote understanding among society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples;

(d) To consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them; (ADOPTED at 3rd PrepCom)

28. Calls upon States to recognize the particular challenges faced by indigenous peoples and individuals living in urban environments and urges States to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance they encounter, paying particular attention to opportunities for their continued practice of their traditional, cultural, linguistic and spiritual ways of life; (ADOPTED at 3rd PrepCom)

29. Requests all States to combat manifestations of a generalized rejection of migrants and actively to discourage all racist demonstrations and acts that generate xenophobic behaviour and negative sentiments towards, or rejection of, migrants; (ADOPTED at 3rd PrepCom)

30. Invites international and national non-governmental organizations to include monitoring and protection of the human rights of migrants in their programmes and activities and to sensitize Governments and increase public awareness in all States about the need to prevent racist acts and manifestations of discrimination, xenophobia and related intolerance against migrants; (ADOPTED at 3rd PrepCom)

31. Requests States to promote and protect fully and effectively the human rights and fundamental freedoms of all migrants, in conformity with the Universal Declaration of Human Rights and their obligations under international human rights instruments, regardless of the migrants' immigration status; (ADOPTED at 3rd PrepCom)

32. Encourages States to promote education on the human rights of migrants and to engage in information campaigns to ensure that the public receives accurate information regarding migrants and migration issues, including the positive contribution of migrants to the host society and the vulnerability of migrants, particularly those who are in an irregular situation; (ADOPTED at 3rd PrepCom)

34. Urges States to take concrete measures that would eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace, including against migrants, 'including migrant workers,' and ensure the full equality of all before the law, including labour law, and further urges States to eliminate barriers, where appropriate, to: participating in vocational training, collective bargaining, employment, contracts and trade union activity; accessing judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions; (ADOPTED at 3rd PrepCom)

35. Urges States:

(a) To develop and implement policies and action plans, and to reinforce and implement preventive measures, in order to foster greater harmony and tolerance between migrants and host societies, with the aim of eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence, perpetrated in many societies by individuals or groups and directed towards 'migrant workers and their families?; (ADOPTED at 3rd PrepCom)

(b) To review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments; (ADOPTED at 3rd PrepCom)

(c) To implement specific measures involving the host community and migrants in order to encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life; (ADOPTED at 3rd PrepCom)

(d) To ensure that migrants, regardless of their immigration status, detained by public authorities, are treated with humanity and in a fair manner, and receive effective legal protection and, where appropriate, the assistance of a competent interpreter in accordance with the relevant norms of international law and human rights standards, particularly during interrogation; (ADOPTED at 3rd PrepCom)

(e) To ensure that the police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards, through, inter alia,

organizing specialized training courses for administrators, police officers, immigration officials and other interested groups; (ADOPTED at 3rd PrepCom)

(f) To consider the question of, with a view to promoting, the recognition of the educational, professional and technical credentials of migrants, with a view to maximizing their contribution to their new States of residence; (ADOPTED at 3rd PrepCom)

(h) To consider adopting and implementing immigration policies and programmes that would enable immigrants, in particular women and children who are victims of spousal or domestic violence, to free themselves from abusive relationships; (ADOPTED at 3rd PrepCom)

36. Urges States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and destination/host countries, and the findings should be included in reports to treaty bodies; (ADOPTED at 3rd PrepCom)

37. Urges States to recognize the same economic opportunities and responsibilities to documented long-term migrants as to other members of society;ⁱ (ADOPTED at 3rd PrepCom)

38. Urges States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden sharing and international cooperation to share responsibilities; (ADOPTED at 3rd PrepCom)

40. Urges States to take effective steps to protect refugee and internally displaced women and girls from violence, to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations; (ADOPTED at 3rd PrepCom)

42. Urges States to take all possible measures to ensure that all persons, without any discrimination, are registered and have access to the necessary documentation reflecting their legal identity to enable them to benefit from available legal procedures, remedies and development opportunities, as well as to reduce the incidence of trafficking; (ADOPTED at 3rd PrepCom)
43. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States shall ensure that all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress; (ADOPTED at 3rd PrepCom)
44. Calls upon States to ensure that Roma/Gypsy/Sinti/Traveller children and youth, especially girls, are given equal access to education and that educational curricula at all levels, including complementary programmes on intercultural education, which might, inter alia, include opportunities for them to learn the official languages in the pre-school period and to recruit Roma teachers and classroom assistants in order for such children and youth to learn in their mother-tongue, are sensitive and responsive to their needs; (ADOPTED at 3rd PrepCom)
45. Encourages States, to adopt appropriate and concrete policies and measures, to develop implementation mechanisms, where these do not already exist, and to exchange experiences, in cooperation with representatives of the Roma/Gypsies/Sinti/Travellers, in order to eradicate discrimination against them, enable them to achieve equality and ensure their full enjoyment of all their human rights, as recommended in the case of the Roma by the Committee on the Elimination of Racial Discrimination in its General Recommendation XXVII, so that their needs are met; (ADOPTED at 3rd PrepCom)
46. Recommends that the intergovernmental organizations address, as appropriate, in their projects of cooperation with and assistance to various States, the situation of the Roma/Gypsies/Sinti/Travellers and promote their economic, social and cultural advancement; (ADOPTED at 3rd PrepCom)

47. Calls upon States and encourages non-governmental organizations to raise awareness about the racism, racial discrimination, xenophobia and related intolerance experienced by the Roma/Gypsies/Sinti/Travellers, and to promote knowledge and respect for their culture and history; (ADOPTED at 3rd PrepCom)

48. Encourages the media to promote equal access to and participation in the media for the Roma/Gypsies/Sinti/Travellers, as well as to protect them from racist, stereotypical and discriminatory media reporting, and calls upon States to facilitate the media's efforts in this regard; (ADOPTED at 3rd PrepCom)

49. Urges States to ensure that persons belonging to 'racial' national or ethnic, religious and linguistic minorities can exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, and also urges States and the international community to promote and protect the rights of such persons 'within the framework of the purposes and principles of the Charter of the United Nations'./'Persons belonging to such minorities shall exercise their rights within the framework of the principles of the United Nations, including sovereign equality, territorial integrity and political independence of States in which they live.'; (ADOPTED at 3rd PrepCom)

50. States should guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference, and to participate effectively in the cultural, social, economic and political life of the country in which they live in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to; (ADOPTED at 3rd PrepCom)

52. Urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on 'generic description' indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants

and women from other disadvantaged groups, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities; (ADOPTED at 2nd PrepCom)

53. Urges States to involve women, especially women victims of racism, racial discrimination, xenophobia and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race/gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation; (ADOPTED at 2nd PrepCom)

54. Recognizing that poverty shapes economic and social status and establishes obstacles to the effective political participation of women and men in different ways and to different extents, urges States to undertake gender analyses on all economic and social policies and programmes, especially poverty eradication measures, including those designed and implemented to benefit those individuals or groups who are, or may be, victims of/subject to racism, racial discrimination, xenophobia and related intolerance; (ADOPTED at 3rd PrepCom)

55. Urges States and encourages all sectors of society to empower women and girls who are or may be subject to/victims of racism, racial discrimination, xenophobia and related intolerance, so that they can fully exercise their rights in all spheres of public and private life, and to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives; (ADOPTED at 3rd PrepCom)

57. Requests States, in collaboration where necessary with international organizations, having the best interests of the child as a primary consideration, to provide protection against racism, racial discrimination, xenophobia and related intolerance against children, especially those in circumstances of particular vulnerability, and to pay special attention to the situation of such children when designing relevant policies, strategies and programmes; (ADOPTED at 3rd PrepCom)

59. Urges States and international and regional organizations, and encourages non-governmental organizations and the private sector to address the situation of persons with disabilities who are also subject to racism, racial discrimination, xenophobia and related intolerance; also urges States to take necessary measures to ensure their full enjoyment of all human rights and to facilitate their full integration into all fields of life; (ADOPTED at 3rd PrepCom)ⁱⁱ

60. Urges States to adopt and implement, at both the national and international levels, effective measures and policies, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, which encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance, and to recognize, respect and maximize the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities and nations, in particular through public information and education programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes where the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society; (ADOPTED at 3rd PrepCom)

61. Urges States to adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the needs and experiences of individuals and groups affected by or vulnerable to/victims of racism, racial discrimination, xenophobia and related intolerance, and also urges that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes; (ADOPTED at 3rd PrepCom)

62. Urges States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and where necessary to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society; (ADOPTED at 3rd PrepCom)

64. Urges States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls and to increase

cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls; (ADOPTED at 3rd PrepCom)

67. Urges States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia, ?anti-Semitism, Islamophobia? and related intolerance, including their gender-based manifestations; (ADOPTED at 3rd PrepCom)

69. Urges States to design or reinforce, promote and implement effective legislative and administrative policies, as well as other preventive measures, against the serious situation experienced by certain groups of workers, including migrant workers, who are ?vulnerable to or victims of? racism, racial discrimination, xenophobia and related intolerance. Special attention should be given to protecting people engaged in domestic work and trafficked persons, ?including victims of prostitution,? from discrimination and violence, as well as to combating prejudice against them; (ADOPTED at 3rd PrepCom)

74. Urges States to take all necessary constitutional, legislative and administrative measures to foster equality among individuals and groups who are affected by, vulnerable to, or victims of racism, racial discrimination, xenophobia and related intolerance, and to review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to such forms of discrimination; (ADOPTED at 2nd PrepCom)

78. Urges States, including their law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel which is motivated by racism, racial discrimination, xenophobia and related intolerance and to prosecute perpetrators of such misconduct; (ADOPTED at 3rd PrepCom)

79. Urges States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as “racial profiling” and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or

ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity. ?In cases where a law enforcement officer is seeking to investigate or apprehend a specific suspect whose race, colour, descent, national or ethnic origin is part of the description of the suspect, reliance on such descriptive characteristics shall not be considered to be “racial profiling”;;? (ADOPTED at 3rd PrepCom)

80. Urges States to take measures to prevent genetic research or its applications from being used to promote racism, racial discrimination, xenophobia and related intolerance, to protect the privacy of personal genetic information and to prevent such information from being used for discriminatory or racist purposes; (ADOPTED at 3rd PrepCom)

82. Urges States that have not yet done so to consider ratifying or acceding to the international human rights instruments which combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to universal ratification by the year 2005, and to consider making the declaration envisaged under article 14, to comply with their reporting obligations, and to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination. It also urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations; (ADOPTED at 3rd PrepCom)

83. Urges States to give due consideration to the observations and recommendations of the Committee on the Elimination of Racial Discrimination. To that effect, States should consider setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on these observations and recommendations; (ADOPTED at 3rd PrepCom)

85. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

- (a) Convention on the Prevention and Punishment of the Crime of Genocide, 1948;
- (b) International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97);

- (c) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949;
- (d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol;
- (e) International Labour Organization Discrimination Convention (Employment and Occupation), 1958 (No. 111);
- (f) Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization;
- (g) Convention on the Elimination of All Forms of Discrimination against Women 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999;
- (h) Convention on the Rights of the Child of 1989 and its two Optional Protocols of 2000, and the International Labour Organization Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);
- (i) International Labour Organization Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- (j) International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Convention on Biological Diversity, 1992;
- (k) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990;
- (l) The Rome Statute of the International Criminal Court, 1998;
- (m) United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention and the Protocol against the smuggling of Migrants by Land, Sea and Air, supplementing the Convention, 2000;

It further urges States Parties to these instruments to implement them fully; (ADOPTED at 3rd PrepCom)

94. Urges States to undertake investigations to examine possible links between criminal prosecution, police violence and penal sanctions, including the application of the death penalty? in particular against vulnerable groups and individuals? on the one hand, and racism, racial discrimination, xenophobia and related intolerance, on the other, so as to have evidence for

taking the necessary steps for the eradication of any such links and discriminatory practices;

(ADOPTED at 2nd PrepCom)

97. Urges States parties:

To adopt legislation implementing the obligations they have assumed to prosecute and punish persons who have committed or ordered to be committed grave breaches of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto and of other serious violations of the laws and customs of war, in particular in relation to the principle of non-discrimination;

(ADOPTED at 3rd PrepCom)

101. Urges States to carry out comprehensive, exhaustive, timely and impartial investigations of all unlawful acts of racism and racial discrimination, to prosecute criminal offences ex officio, as appropriate, or initiate or facilitate all appropriate actions arising from offences of a racist or xenophobic nature, to ensure that criminal and civil investigations, and prosecutions of offences of a racist or xenophobic nature are given high priority and are actively and consistently undertaken, and ensure the right to equal treatment before the tribunals and all other organs administering justice. In this regard, the World Conference underlines the importance of fostering awareness and providing training to the various agents in the criminal justice system to ensure fair and impartial application of the law. In this respect, it recommends that anti-discrimination monitoring services be established; (ADOPTED at 3rd PrepCom)

102. Urges States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena; (ADOPTED at 3rd PrepCom)

103. Also urges States:

- (a) To foster cooperation between these institutions and other national institutions;

(b) To take steps to ensure that "individuals and groups that are or may be subject to racism, racial discrimination, xenophobia and related intolerance" can participate fully in these institutions;

(c) To support these institutions and similar bodies, inter alia through the publication and circulation of existing national laws and jurisprudence, and cooperation with institutions in other countries so that knowledge can be gained of the manifestations, functions and mechanisms of these practices and the strategies designed to prevent, combat and eradicate them; (ADOPTED at 3rd PrepCom)

118. The World Conference recognizes that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to develop or elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all. Through, among other things, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination. The World Conference encourages States, in developing and elaborating such action plans, to establish, or reinforce, dialogue with non-governmental organizations in order to involve them more closely in designing, implementing and evaluating policies and programmes; (ADOPTED at 3rd PrepCom)

128. Urges States and encourages non-governmental organizations and the private sector:

(a) To support the creation of workplaces free of discrimination through a multifaceted strategy that includes civil rights enforcement, public education and communication within the workplace, and to promote and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance;

(b) To foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital through, inter alia, community development banks, recognizing that new businesses can have a positive, dynamic impact on communities in need, and to work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas; (ADOPTED at 3rd PrepCom)

134. Urges States, individually and through international cooperation, to enhance measures to fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance; (ADOPTED at 2nd PrepCom)

135. Urges States and encourages non-governmental organizations and the private sector:

(a) To provide effective mechanisms for monitoring and eliminating racism, racial discrimination, xenophobia and related intolerance in the health-care system, such as the development and enforcement of effective anti-discrimination laws;

(b) To take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitate the training of a health workforce that is both diverse and motivated to work in underserved communities, and work to increase diversity in the health-care profession by recruiting women and men from all groups on merit and potential, representing the diversity of their societies, for health-care careers and by retaining them in the health professions;

(c) To work with health-care professionals, community-based health providers, non-governmental organizations, scientific researchers and private industry as a means of improving the health status of marginalized communities, in particular victims of racism, racial discrimination, xenophobia and related intolerance;

(c) bis To work with health professionals, scientific researchers and international and regional health organizations to study the differential impacts of medical treatments and health strategies on various communities;

(d) To adopt and implement policies and programmes to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services; (ADOPTED 3rd PrepCom)

139. Urges States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of ?persons belonging to all groups, affected by or vulnerable to/victims of? racism, racial discrimination, xenophobia and related intolerance, in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty

alleviation strategies, development projects, and trade and market assistance programmes;

(ADOPTED at 3rd PrepCom)

145. Urges States, where appropriate working with other relevant bodies, to commit financial resources to anti-racism education and to media campaigns promoting the values of acceptance, tolerance, diversity and respect for the cultures of all indigenous peoples living within their national borders. In particular, States should promote an accurate understanding of the histories and cultures of indigenous peoples; (ADOPTED at 3rd PrepCom)

146. Urges the United Nations, other appropriate international and regional organizations and States to redress the marginalization of Africa's contribution to world history and civilization by developing and implementing a specific and comprehensive programme of research, education and mass communication to disseminate widely a balanced and objective presentation of Africa's seminal and valuable contribution to humanity; (ADOPTED at 2nd PrepCom)

155. Urges States to encourage all schools to consider developing educational activities, including extracurricular ones, to raise awareness against racism, racial discrimination, xenophobia and related intolerance, inter alia by commemorating the International Day for the Elimination of Racial Discrimination (21 March); (ADOPTED at 3rd PrepCom)

162. Urges States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the administration of justice and fair trial and to conduct nationwide campaigns, amongst other measures, to raise awareness among State organs and public officials concerning their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments; (ADOPTED at 2nd PrepCom)

166. Urges States and encourages the private sector to promote the development by the media, including the print and electronic media, including Internet and advertising, taking into account their independence, through their relevant associations and organizations at the national, regional and international levels, of a voluntary ethical code of conduct and self-regulatory measures, in order:

- (a) To combat racism, racial discrimination, xenophobia and related intolerance and do away with stereotypes;
- (b) To promote the fair, balanced and equitable representation of the diversity of their societies, as well as ensuring that this diversity is reflected among their staff;
- (c) To combat the proliferation of ideas of racial superiority, justification of racial hatred and discrimination in any form and to promote respect, tolerance and understanding among all individuals, peoples, nations and civilizations, for example through assistance in public awareness-raising campaigns;
- (d) To avoid stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people; (ADOPTED at 3rd PrepCom)

177. Urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance; (ADOPTED at 3rd PrepCom)

181. Recommends that the Department of Peacekeeping Operations of the Secretariat and other concerned United Nations agencies, bodies and programmes strengthen their coordination to discern patterns of serious violations of human rights and humanitarian law with a view to assessing the risk of further deterioration that could lead to genocide, war crimes or crimes against humanity; (ADOPTED by 3rd PrepCom)

184. Urges States to take all necessary measures to address, as a matter of urgency, the pressing requirement for justice for the victims of racism, racial discrimination, xenophobia and related intolerance and to ensure that victims have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance, where required; (ADOPTED at 3rd PrepCom)

192. Urges States to reinforce protection against racism, racial discrimination, xenophobia and related intolerance by ensuring that all persons have access to effective and adequate remedies and enjoy the right to seek from competent national tribunals and other national institutions just and adequate reparation and satisfaction for any damage as a result of such discrimination. It further underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination and draws attention to the need for judicial and other remedies to be made widely known, easily accessible, expeditious and not unduly complicated; (ADOPTED at 3rd PrepCom)

200. Calls upon States to apply diligently all commitments undertaken by them in the declarations and plans of action of the regional conferences in which they participated, and to formulate national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance in compliance with the objectives set forth therein, and as provided for in other relevant instruments and decisions; and further requests that, in cases where such national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance already exist, States incorporate in them the commitments arising from their regional conferences; (ADOPTED at 3rd PrepCom)

202. Urges States that have not yet done so to consider acceding to the Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977, as well as to other treaties of international humanitarian law, and to enact, with the highest priority, appropriate legislation, taking the measures required to give full effect to their obligations under international humanitarian law, in particular in relation to the rules prohibiting discrimination; (ADOPTED at 3rd PrepCom)

207. Urges States 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; (ADOPTED at 2nd PrepCom)

210. Urges States to continue cooperating with the Committee on the Elimination of Racial Discrimination and other human rights treaty monitoring bodies in order to promote, including by means of a constructive and transparent dialogue, the effective implementation of these instruments and proper consideration of the recommendations adopted by these bodies concerning complaints of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED at 3rd PrepCom)

236. Invites States to assist the Office of the High Commissioner for Human Rights in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance; (ADOPTED at 3rd PrepCom)

237. The World Conference:

(a) [Invites the Commission on Human Rights to include in the mandates of its special procedures a request to report on problems relating to racism, racial discrimination, xenophobia and related intolerance;]

(b) Calls upon States to cooperate with the relevant special procedures of the Commission on Human Rights and other mechanisms of the United Nations in matters pertaining to racism, racial discrimination, xenophobia and related intolerance, in particular with the special rapporteurs, independent experts and special representatives; (ADOPTED at 3rd PrepCom)

238. Recommends that the Commission on Human Rights prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects; (ADOPTED at 3rd PrepCom)

242. Requests States to include the struggle against racism, racial discrimination, xenophobia and related intolerance among the activities undertaken within the framework of the United Nations Decade for Human Rights Education and to take into account the recommendations of the mid-term evaluation report of the Decade; (ADOPTED at 3rd PrepCom)

245. Recommends that the United Nations Secretary-General conduct an evaluation of the results of the International Decade of the World's Indigenous People (1995-2004) and make

recommendations concerning how to mark the end of this Decade, including an appropriate follow-up; (ADOPTED at 3rd PrepCom)

246. Requests States to ensure adequate funding for the establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues within the United Nations system; (ADOPTED at 3rd PrepCom)

247. Urges States to cooperate with the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and requests the Secretary-General and the High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the necessary human, technical and financial resources to fulfil his/her responsibilities; (ADOPTED at 3rd PrepCom)

248. Calls upon States to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of indigenous peoples, under discussion by the working group of the Commission on Human Rights to elaborate a draft declaration, in accordance with Commission resolution 1995/32; (ADOPTED at 3rd PrepCom)

249. Urges States, ?to consider? in the light of the relationship between racism, racial discrimination, xenophobia and related intolerance and poverty, marginality and social exclusion of peoples and individuals at both the national and international levels, to enhance their policies and measures to reduce income and wealth inequalities and to take appropriate steps, individually and through international cooperation ?including through the provision of additional resources required?, to promote and protect economic, social and cultural rights on a non-discriminatory basis; (ADOPTED at 2nd PrepCom)

251. Invites financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

(a) To assign particular priority to and allocate sufficient funding, within their areas of competence, to the improvement of the status of indigenous peoples, with special attention to the needs of these populations in developing countries, including the preparation of specific

programmes with a view to achieving the objectives of the International Decade of the World's Indigenous People;

(b) To carry out special projects, through appropriate channels and in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas; (ADOPTED at 3rd PrepCom)

258. Urges States to encourage the full and active participation of, as well as involve more closely, youth in the elaboration, planning and implementation of activities to fight racism, racial discrimination, xenophobia and related intolerance, and calls upon States, in partnership with non-governmental organizations and other sectors of society, to facilitate both national and international youth dialogue on racism, racial discrimination, xenophobia and related intolerance, through the World Youth Forum of the United Nations system and through the use of new technologies, exchanges and other means; (ADOPTED at 3rd PrepCom)

259. Recognizes that the success of this Programme of Action will require political will and adequate funding at the national, regional and international levels, and international cooperation, including, in some circumstances, new and additional resources, particularly for developing countries; and urges that the follow-up mechanism for the World Conference monitor those elements; (ADOPTED at 3rd PrepCom)

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ⁱ Paragraph adopted by and transferred from the working group on the draft declaration and incorporated in the present document at the direction of the Chairperson of the working group on the draft programme of action.

ⁱⁱ The text of this paragraph will be re-examined after consultations on the issue of the “listing” are concluded.