



Human Rights Council**Fifty-third session**

19 June–14 July 2023

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**Resolution adopted by the Human Rights Council on 13 July 2023****53/21. The incompatibility between democracy and racism***The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Reaffirming the Universal Declaration of Human Rights,**Recalling the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,**Recalling also the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,**Recalling further the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,**Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,**Recalling General Assembly resolutions 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme “People of African descent: recognition, justice and development”, and 69/16 of 18 November 2014, in which it adopted the programme of activities for the implementation of the International Decade for People of African Descent,**Recalling also Human Rights Council resolutions 38/19 of 6 July 2018, 29/20 of 2 July 2015 and 18/15 of 29 September 2011, Council decision 2/106 of 27 November 2006, and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of 23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,**Recalling further Human Rights Council resolution 48/2 of 7 October 2021, in which the Council emphasized the critical importance of full and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic growth,*

sustainable development and the advancement of gender equality, as well as for the realization of all human rights and fundamental freedoms,

Recalling Human Rights Council resolutions 28/14 of 26 March 2015, in which the Council reaffirmed that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and 39/11 of 28 September 2018, in which the Council took note with interest of the draft guidelines for States on the effective implementation of the right to participate in public affairs, and presented them as a set of orientations to States and, where appropriate, other relevant stakeholders,

Bearing in mind all relevant reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and of the United Nations High Commissioner for Human Rights with regard to the incompatibility between democracy and racism,

Recalling the intersessional high-level panel discussion on the incompatibility between democracy and racism, held in April 2019, and the summary report of the High Commissioner on the panel discussion, presented to the Council at its forty-second session,¹

Acknowledging the linkage and complementarity of the fight against racism, racial discrimination, xenophobia and related intolerance with the long-term construction of a democratic, non-discriminatory and multicultural society based on the recognition, respect and promotion of cultural, ethnic and religious diversity,

Recognizing that the eradication of racism, racial discrimination, xenophobia and related intolerance is a key driver in the implementation of the 2030 Agenda for Sustainable Development,

Remaining alarmed at the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Emphasizing that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that acts of racial violence do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts they undermine the principle of non-discrimination and endanger democracy,

Recognizing the importance of freedom of expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

Acknowledging that the exercise of the right to freedom of expression carries with it special duties and responsibilities, and that freedom of expression shall only be subject to certain restrictions that are provided for by law and are necessary for respect of the rights or reputations of others, including the principles of equality and non-discrimination,

Condemning political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, and legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Condemning also the use of hate speech, both online and offline, to provoke stigmatization and violence, and which might constitute an attempt to restrict the meaningful, inclusive and safe participation of persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, in public and political affairs, in particular in relation to decision-making processes,

¹ A/HRC/42/27.

Emphasizing the importance of States reinforcing their commitment to promoting tolerance and human rights and to fighting racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance,

Recognizing the responsibility of States, the private sector, civil society organizations and persons in condemning racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies, legislative frameworks and judicial decisions violate human rights, as established in the relevant international and regional human rights instruments, and are incompatible with democracy, the rule of law and transparent and accountable governance;

2. *Expresses deep concern* about the rise of extremist political parties, movements and groups that seek to normalize racism, racial discrimination, xenophobia and related intolerance, both online and offline, particularly against migrants and refugees, and about the negative or derogatory stereotypes that incite hatred of and violence against them;

3. *Condemns* hate speech, both online and offline, against all persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, and urges States to take measures to address it;

4. *Urges* States to develop comprehensive intersectional approaches grounded in international human rights law to counter all manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political leaders, parties, movements and groups, through solid legal frameworks, complemented by other measures, such as education and awareness-raising programmes, and the creation of a safe and enabling environment, offline and online, with a victim-centred and gender-responsive approach;

5. *Decides* to convene, before its fifty-sixth session, an intersessional high-level panel discussion on the incompatibility between democracy and racism, with a view to identifying good practices and challenges on the national, regional and international levels to the meaningful, inclusive and safe participation of persons, including women and children, and those belonging to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, in public and political affairs, in particular in relation to decision-making processes;

6. *Requests* the United Nations High Commissioner for Human Rights to organize a webcast of the panel discussion, to be held in a hybrid format, in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies as appropriate, with a view to ensuring their participation in the panel discussion;

7. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its fifty-seventh session;

8. *Invites* the relevant mechanisms of the Human Rights Council and the United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from racism, racial discrimination, xenophobia and related intolerance in political circles, especially with regard to their incompatibility with democracy.

*35th meeting
13 July 2023*

[Adopted without a vote.]