



General Assembly

Distr.: LIMITED

A/CONF.189/PC.2/L.1/Add 1

31 May 2001

Original: ENGLISH

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

Preparatory Committee

Second session

Geneva, 21 May -1 June 2001

Item 9 of the agenda

Note by the Secretariat

The present document contains the reports of the Working Group of the Whole on the Draft Declaration and the Working Group of the Whole on the Programme of Action. These reports comprise the texts that have been cleared for adoption by the Preparatory Committee and those that are still under discussion.

I. REPORT OF THE WORKING GROUP OF THE WHOLE ON THE DRAFT
DECLARATION

PREAMBLE

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

PP1 Having met in Durban, South Africa, from 31 August to 7 September 2001, ADOPTED

PP2 Expressing deep appreciation to the Government of South Africa for hosting this World Conference, ADOPTED

PP3 Drawing inspiration from the heroic struggle of the people of South Africa against the institutionalized system of apartheid as well as for equality and justice under democracy, *[development]*, the rule of law and respect for human rights, recalling in this context the important contribution to that struggle of the international community and, in particular, the pivotal role of the people and governments of Africa, and noting the important role that different actors of civil society including non-governmental organizations played in that struggle and in ongoing efforts to combat racism, racial discrimination, xenophobia and related intolerance, ADOPTED

PP5bis Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance, ADOPTED

PP6 Recalling Commission on Human Rights resolution 1997/74, General Assembly resolution 52/111 and subsequent resolutions of those bodies concerning the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recalling also the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983, ADOPTED

PP7 Noting with grave concern that despite the efforts of the international community, the principal objectives of the three decades to combat racism and racial discrimination, have not been attained and that countless human beings continue to the present day to be the victims of varied forms of racism, racial discrimination, xenophobia and related intolerance, ADOPTED

PP12bis1 Recalling the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment to the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance, ADOPTED

PP12bis Welcoming the decision of the General Assembly to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations *[as well as [noting] the holding of the Asian Conference on Dialogue among Civilizations on 17 February 2001 in Tehran],*

PP12bis2 *[Welcoming the adoption by the General Assembly of the Declaration and Plan of Action on a Culture of Peace and its decision to proclaim the Decade for a Culture of Peace and Non-violence for the Children of the World – (2001 to 2010),]* (to be considered together with 12bis (alternative))

PP12bis (alternative) *[Welcoming the decision of the General Assembly to proclaim year 2001 as the United Nations Year of Dialogue among Civilizations and to proclaim the decade for a culture of peace and Nonviolence for the Children of the World (2001-2010) as well as the adoption by the General Assembly of the Declaration and a Plan of Action on a Culture of Peace,]*

PP11bis2 Recognizing that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in conjunction with the International Decade of the World's Indigenous Peoples, presents a unique opportunity to consider the invaluable contributions of indigenous peoples to political, economic, social, cultural and spiritual development throughout the world to our societies as well as the challenges faced by them, including racism and racial discrimination, ADOPTED

PP7bis *[Recalling the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960,]*

PP4, PP5, PP15bis, PP8 *(New proposals as of 28 May)*

Reaffirming our commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights, ADOPTED

Affirming that racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations, ADOPTED

Reaffirming the principles of equality and non discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, color, sex, language, religion, political, or other opinion, national or social

origin, property, birth or other status, ADOPTED

Convinced of the fundamental importance of universal accession or ratification to and full implementation of [the/our] obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance [based on race, color, descent, or national or ethnic origin],

PP9bis, PP9bis 1 and PP8bis1

Recognizing the fundamental importance of States signing, ratifying or acceding to all relevant international human rights instruments [such as the Convention on the Elimination of All Forms of Discrimination Against Women [and its optional protocol,] the Convention on the Rights of the Child [and its two protocols] and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families] in combating racism, racial discrimination, xenophobia and related intolerance with a view to universal adherence,

PP10 ***Having taken note of the reports of the regional conferences organized at Strasbourg, Santiago, Dakar and Tehran and other inputs from States, as well as the reports of expert seminars, NGO regional meetings and other meetings organized in preparation for the World Conference,***
ADOPTED

PP12 ***Noting [with appreciation] the Vision Statement launched by President Thabo Mbeki of South Africa under the patronage of The Honourable Nelson Mandela, first President of the new South Africa, and at the initiative of the United Nations High Commissioner for Human Rights and Secretary-General of the World Conference, and signed by 74 Heads of State, Heads of Government and Dignitaries,***

PP5bis1 ***Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large, and should be valued, enjoyed, genuinely accepted, and embraced, as a permanent feature which enriches our societies,*** ADOPTED

PP5bis3 ***[Acknowledging that the prohibition of racial discrimination, genocide, apartheid, and slavery are norms of international law from which no derogation is permitted,]***

PP11 ***Having listened to the peoples of the world and recognizing their aspirations to justice, equality of opportunity for all and everyone, to the enjoyment of their human rights including the right to development, to live in peace and freedom, and to equal participation without discrimination in the economic, social, cultural, civil and political life,*** ADOPTED

PP11bis Emphasizing the importance of the equitable participation of all [peoples and States,] without any discrimination in their domestic as well as global decision-making respectively,

PP4bis2 + PP7bis 2

[Affirming] that racism, racial discrimination, xenophobia and related intolerance [acts] are against the dignity of humankind, [may] constitute [flagrant/most serious] violations of human rights, offenses to humanity, obstacles to friendly and peaceful relations among peoples and nations and are among the root causes of many internal and international conflicts, including armed conflicts,

Recognizing that, national and international actions are required to combat racism, racial discrimination, xenophobia and related intolerance, in order to ensure the full enjoyment of human rights, which are universal, indivisible, interdependent and interrelated and to improve the living conditions of men, women and children of all nations [at the, economic, social, cultural, civil, and political level],

PP13bis4 [Reaffirming] the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance,

New PP-- *Acknowledging that xenophobia, in its different manifestations, is one of the main contemporary sources and forms of discrimination and conflict, combating of which requires urgent attention and prompt actions of States as well as of the international community, ADOPTED*

PP13bis2 /Text proposed by the Working Group) [Bearing in mind that the acknowledgement of the past problems caused by racially and ethnically discriminatory policies and practices would contribute to the resolution and prevention of racism, xenophobia and related intolerance,]

New PP13 bis2: [Affirming that identification and acknowledgement of the sources, causes and manifestations of racism and racial discrimination such as colonialism, slavery, slave trade and other forms of servitude, which has been pursued in the past and their resolution are crucial to the prevention of recurrence of such policies and practices as well as attitudes and tendencies emanating from these evils and thus in saving the present and future generations from suffering and deprivation of all human rights thereof.]

PP7bis1 [Reaffirming that colonization by settlers and foreign occupation constitute sources, causes and forms of racism, racial discrimination, xenophobia and related intolerance,]

PP13bis *Fully aware that, despite efforts undertaken by the international community, Governments and local authorities, the scourge of racism, racial discrimination, [*] xenophobia and related intolerance persist and continue to result in violations of human rights, in suffering, disadvantage and*

violence, which must be combated by all available and appropriate means and as a matter of the highest priority, preferably in cooperation with affected communities, (adopted, list pending)

** The original proposal reads as follows: [religious intolerance, anti-Arabism, anti-Semitism, Islamophobia, Negrophobia,] A list is being discussed.*

PP13bis1 Noting with concern the continued and violent occurrence of racism, racial discrimination, xenophobia and related intolerance, and that theories of superiority of certain races and cultures over others, promoted and practiced during the colonial era, continue to be propounded in one form or another even today, ADOPTED

PP13 bis3 Alarmed by the emergence [and continued occurrence] of racism, racial discrimination, xenophobia and related intolerance in their more subtle and contemporary forms and manifestations, as well as by other ideologies and practices based on racial or ethnic discrimination or superiority,

[PP13bis6 (new): Strongly rejecting theories which attempt to determine the existence of so called distinct human races,]

PP15bis1 Recognizing that failure to combat and denounce racism, racial discrimination, xenophobia and related intolerance by all, especially by public authorities and politicians at all levels is a factor encouraging their perpetuation, ADOPTED

PP9 Reaffirming that States have the duty to protect and promote the human rights and fundamental freedoms of all including [indigenous peoples, people of African descent, people of Asian descent, migrants –documented and undocumented , refugees and asylum seekers, internally displaced persons and persons belonging to other vulnerable groups,*] and that they should apply a gender perspective recognizing the multiple forms of discrimination which women can face and that the enjoyment of their civil, political, economic, social and cultural rights is essential for the development of societies throughout the world, ADOPTED

**A list is being discussed.*

PP13bis5 Recognizing both the challenges and opportunities presented by an increasingly globalized world in relation to the struggle to eradicate racism, racial discrimination, xenophobia and related intolerance, ADOPTED

PP15 [Determined, in an era when globalization and technology have contributed considerably to bringing people together to materialize the notion of a “human family” based on equality, dignity and solidarity, and to make the twenty-first century a century of human rights and the

eradication of racism, racial discrimination, xenophobia and related intolerance and the realization of genuine equality of opportunities and treatment for all individuals and peoples,

PP4bis+PP4bis 1 [Reaffirming the right of [all individuals] [and peoples] to live [in peace] in a society free of racism, racial discrimination, xenophobia and related intolerance, and stressing that such a right must be protected as a matter of the highest priority, and recognising the duty of States to take prompt, decisive and appropriate measures to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance,]

PP8bis Reaffirming our commitment to combating all manifestations of racism, racial discrimination, xenophobia and related intolerance on grounds of [race, lineage, colour, religion, culture, language or national or ethnic origin*] [aggravated by forms of multiple discrimination based on reasons of age, gender, [sexual orientation], physical and mental ability ~~disability~~, or socio-economic status*],

*** Lists are being discussed**

PP14 Dedicating ourselves to combating the scourge of racism, racial discrimination, xenophobia and related intolerance fully and effectively as a matter of priority, while drawing lessons from manifestations of racism and past experiences in all parts of the world with a view to avoiding their recurrence, ADOPTED

PP16 Join together in a spirit of renewed political will and commitment to universal equality, justice and dignity, salute the memory of all victims of racism, racial discrimination, xenophobia and related intolerance all over the world, and solemnly adopt the Durban Declaration and Programme of Action, ADOPTED

II. REPORT OF THE WORKING GROUP OF THE WHOLE ON A
DRAFT PROGRAMME OF ACTION

***SOURCES, CAUSES, FORMS AND CONTEMPORARY MANIFESTATIONS OF RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE***

New 81. 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 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

New 82. Urge 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

8. 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

New 122. TRANSFERRED TO DRAFTING GROUP ON THE DRAFT DECLARATION

New 123. Urge States, [to consider] in 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 level, 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

31. The World Conference 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

31. Italicized Section Starting With ‘Recognizing The Negative Economic...’ And Ending With ‘Race Free From Want’ TRANSFERRED TO THE WORKING GROUP ON THE DRAFT DECLARATION

56bis2 The World Conference urges States to:

- a) Recognize that sexual violence during armed conflict constituting serious violations of international humanitarian law has been used as a tool of systematic forms of discrimination, abuse and genocide directed against racial or ethnic populations of non-combatants, and that race and gender combine to make women particularly vulnerable to certain types of violence, particularly sexual violence;
- b) Reaffirm that serious forms of sexual violence can constitute a gross violation of human rights, and when committed or condoned in the context of armed conflict, a serious violation of humanitarian law;
- c) Ensure that perpetrators of sexual violence in armed conflict and those in authority who tolerate its use are identified, investigated, prosecuted, and punished. ONGOING

Alternate 56bis2. The World Conference urges States to :

- a) Recognize that sexual violence committed in the context of armed conflict, and used against non-combatant populations on the basis of race or ethnicity constitutes a serious violation of international law, and that race and gender combine to make women and girls particularly vulnerable to this type of violence;
- b) Ensure that perpetrators of sexual violence in armed conflict, and persons in authority who aid and abet its use, are identified, investigated, prosecuted and punished ; ONGOING

Alternate 56bis2. The World Conference urges States to :

- a) Recognize that the intersectionality of race and gender continue to make women and girls particularly vulnerable to sexual violence in the context of armed conflict, that the perpetration of such violence can be a violation of international humanitarian law, and that such violence is often based on racism, racial discrimination, xenophobia and related intolerance ;
- b) Ensure that perpetrators of such violence and persons in authority who consent to or acquiesce in it are identified, investigated, prosecuted, and punished ;
- c) Recognize that women and girls who are victims of racism, racial discrimination, xenophobia and related intolerance are particularly vulnerable to sexual violence as a means of discrimination and abuse. Such violence, when committed by or with the consent or acquiescence of the State, constitutes a violation of human rights. ONGOING

58bis. The World Conference also urges States to take or strengthen measures, including through bilateral or multilateral co-operation, to address the root-causes such as poverty, underdevelopment and lack of equal opportunity, some of which may be associated with discriminatory practices, which make persons, especially women and children, vulnerable to trafficking which may give rise to racism, racial discrimination, xenophobia and related intolerance; ADOPTED

[New 157. The World Conference recognizes that slavery, the slave trade, colonialism, and apartheid are major historical sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and peoples of African descent, peoples of Asian descent and indigenous peoples and have been and continue to be victims of their consequences, and urges States and the international community to adopt appropriate remedial measures in order to halt and reverse the consequent marginalization, poverty, under-development and socio-economic exclusion still affecting many such peoples in many parts of the world, in particular in developing countries.] ONGOING

[New 157bis. The World Conference recognizes that foreign occupation, especially when grave breaches of the 4th Geneva Convention of 1949 are committed, is among the forms and sources of racial and discriminatory practices, and urges the international community to take effective measures to protect peoples under foreign occupation from such practices.] ONGOING

69bis1

TRANSFERRED TO THE DRAFTING GROUP ON THE DRAFT DECLARATION

VICTIMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

New 19. Urge States to take special measures to protect, in particular, persons and groups vulnerable to, affected by, or victims of racism, racial discrimination, xenophobia and related intolerance who are also subject to other/multiple forms of discrimination [on account of their gender, age, national origin, sexual orientation, social or economic status, physical or mental disability, state of health, religious belief or any other condition liable to give rise to discrimination] ; ONGOING

Alternate New 19. Urges States to give special attention to the elaboration of strategies, policies and programmes for persons subject to multiple discrimination which combines racism and racial discrimination, xenophobia and related intolerance with other forms of discrimination ; ONGOING

New 23. 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 pandemics 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

53. 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 the view to eliminate disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance. ADOPTED

43. The World Conference urges States to pay special attention to situations of racism, racial discrimination, xenophobia and related intolerance when designing policies, strategies and programmes for children, [in particular, girls and children living in especially difficult circumstances, situations of exploitation or in need of special protection, inter alia: (a) abandoned or displaced children; (b) children who live or work in the street; (c) child labourers (d) child victims of trafficking and economic exploitation; e) sexually exploited and abused children, (f) children affected by armed conflict; and (g) child victims of poverty/children orphaned by AIDS; (h) children separated from their parents/families, migrant children, children belonging to ethnic minorities, asylum-seekers and refugees. ONGOING

New 36. Urge 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 widely disseminate a balanced and objective presentation of Africa's seminal and valuable contribution to humanity; ADOPTED

New 32. Urge 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

New 33. Request the Commission on Human Rights to positively consider concentrating additional investments in health care systems, education, public health, electricity, drinking water and environmental control as well as other affirmative action initiatives in communities of primarily African descent; ONGOING

New 34. Call upon the United Nations, financial institutions and other appropriate international mechanisms to develop programmes intended for people of African descent in the Americas and around the world; ONGOING

New 37. Encourages/invites/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 greater priority, and consider allocating more 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, including, inter alia, 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 around the world concentrating additional investments in health care systems, education, public health, electricity, drinking water and environmental control, as well as other affirmative action initiatives.*
ONGOING

MEASURES OF PREVENTION, EDUCATION AND PROTECTION AIMED AT THE ERADICATION OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

New 22. Urge 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

New 21. Urge States to incorporate a gender perspective into all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination that particularly falls 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 means of promoting their participation in the economic and productive development of their communities; ADOPTED