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Item 3 of the provisional agenda

**REPORT OF THE INTERSESSIONAL OPEN-ENDED  
INTERGOVERNMENTAL WORKING GROUP TO CONTINUE AND  
FINALIZE THE PROCESS OF NEGOTIATIONS ON AND DRAFTING  
OF THE OUTCOME DOCUMENT**

**Chairperson-Rapporteur: Mr. Yury BOYCHENKO  
(Russian Federation)**



## **Introduction**

1. In its decision PC.3/9 of 17 October 2008 entitled “Continuation of the preparatory process for the Durban Review Conference”, the Preparatory Committee decided to establish an intersessional open-ended intergovernmental working group with the mandate to continue and finalize the process of negotiations on and drafting of the outcome document of the Durban Review Conference on the basis of the compilation of proposals resulting from the work of the second substantive session of the Preparatory Committee and any further contributions, and to report thereon to the third substantive session of the Preparatory Committee. follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee. The Preparatory Committee further decided that the working group shall meet for a total of up to 10 working days in advance of the third substantive session of the Preparatory Committee, including a meeting on 27 November 2008, the first session to be held from 19 to 23 January 2009, and the second session on 6 to 9 April 2009 or at any other date agreed by the working group.

### **I. ORGANIZATION OF THE SESSION**

#### **A. Opening of the session**

2. The first meeting of the working group was held on 27 November 2008. It was opened by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights.

#### **B. Election of Chairperson-Rapporteur**

3. At the same meeting, on 27 November 2008, Mr. Yury Boychenko (Russian Federation) was elected as Chairperson-Rapporteur of the working group.

#### **C. Adoption of the agenda and organization of work**

4. At the first meeting of the working group held on 27 November 2008, the working group had before it a document containing the provisional agenda prepared by the Secretary-General ingup sh

India, Switzerland, Chile (on behalf of GRULAC), Bangladesh, Greece, Brazil, Republic of Korea, Argentina and the United Kingdom of Great Britain and Northern Ireland.

**D. Attendance**

7. The list of attendance is contained in annex III.

**E. Documentation**

8. For the list of documents issued for the working group, see annex IV.

**II. IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP  
AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.3/9  
OF 17 OCTOBER 2008 ENTITLED “CONTINUATION OF THE  
PREPARATORY PROCESS FOR THE DURBAN REVIEW CONFERENCE”**

**A. First session of the working group**

9. During its first session convened on 19 to 23 January 2009, the working group held ten plenary meetings.
10. At the second meeting of the working group, on 19 January 2009, the working group had before it a document entitled “Technically reviewed version of the compilation of proposals

14. With regard to paragraph 104, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Bangladesh, Nigeria, Switzerland, Pakistan (on behalf of States members of the Organization of the Islamic Conference), Belgium, Algeria, Cuba, Morocco, Ecuador, Mexico, Syrian Arab Republic, Islamic Republic of Iran and Benin.

15. With regard to paragraph 105, statements and/or drafting proposals were made by Senegal, Czech Republic (on behalf of States members of the European Union), South Africa, Islamic Republic of Iran, Syrian Arab Republic, Pakistan (on behalf of States members of the Organization of the Islamic Conference), Bangladesh, Nigeria, Japan, Cuba and Czech Republic (on behalf of States members of the European Union).

16. With regard to paragraph 106, statements and/or drafting proposals were made by South

(on behalf of the African group) and Pakistan (on behalf of States

35. At the same meeting, the working group adopted *ad referendum* paragraph 134 as contained in the document submitted by the Chairperson-Rapporteur (A/CONF.211/PC/WG.2/CRP.2).
36. At its fourth meeting, on 20 January 2009, the working group continued the first reading of section 3. Following statements and drafting proposals made by the Chairperson-Rapporteur and Nigeria with regard to paragraphs 131 and 135, the working group adopted *ad referendum* paragraph 131 as revised. Paragraph 135 was subsequently deleted.
37. With regard to paragraph 136, statements and/or drafting proposals were made by Nigeria, Belgium, Algeria, Czech Republic (on behalf of States members of the European Union) and Islamic Republic of Iran. At the same meeting, paragraph 136 was adopted by the working group *ad referendum*, as revised.
38. With regard to paragraph 137, statements and/or drafting proposals were made by the Islamic Republic of Iran and the Czech Republic (on behalf of States members of the European Union).
39. With regard to paragraph 138, statements and/or drafting proposals were made by Norway, Nigeria and Islamic Republic of Iran.
40. With regard to paragraph 139, statements and/or drafting proposals were made by the Syrian Arab Republic, Nigeria, Norway and Brazil.
41. With regard to paragraph 140, statements and/or drafting proposals were made by the India (on behalf of the Asian group), Norway, Nigeria, Algeria and Islamic Republic of Iran. Paragraph 140, as revised, was then adopted by the working group *ad referendum*.
42. Following the statements made by India (on behalf of the Asian group) and Czech Republic (on behalf of States members of the European Union), the working group decided to delete paragraph 141.
43. With regard to paragraph 142, statements and/or drafting proposals were made by Chile (on behalf of GRULAC), Czech Republic (on behalf of States members of the European Union), Algeria, Islamic Republic of Iran, Turkey, Nigeria, Singapore, France and Angola. Paragraph 142, as revised, was then adopted by the working group *ad referendum*.
44. With regard to paragraph 143, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Algeria, Norway, Japan, Switzerland, the Islamic Republic of Iran, Syrian Arab Republic, France, Denmark and Senegal.
45. At the seventh meeting, on 21 January 2009, the working group agreed with the proposal of the Chairperson-Rapporteur to ask the representative of Senegal, Mr. Abdoul Wahab Haidara, to act as a facilitator with regard to negotiations on some of the paragraphs of section 3 which were under consideration at that time.
46. At its eleventh meeting, on 23 January 2009, the working group continued the first reading of section 3. Upon a proposal made by the facilitator, the working group adopted *ad referendum* paragraph 123, as revised.

47. At the same meeting, also upon a proposal by the facilitator and following the statements made by the Islamic Republic of Iran and Bangladesh, the working group adopted *ad referendum* paragraph 127, as revised.

48. With regard to paragraph 138 and the proposal relating thereto made by the facilitator, statements and/or further drafting proposals were made by the Islamic Republic of Iran, South Africa (on behalf of the African group), Czech Republic (on behalf of States members of the European Union), Nigeria, Morocco and Indonesia.

#### Section 4

49. At the same meeting, on 20 January 2009, the working group began the first reading of section 4 as contained in the document submitted by the Chairperson-Rapporteur (A/CONF.211/PC/WG.2/CRP.2). The first reading proceeded paragraph by paragraph as follows:

50. With regard to paragraph 144, statements and/or drafting proposals were made by South Africa (on behalf of the African group), Chile (on behalf of GRULAC), Czech Republic (on behalf of States members of the European Union), Nigeria, India (on behalf of the Asian group), Islamic Republic of Iran, Mexico, Ghana and New Zealand. Paragraph 144, as revised, was then adopted by the working group *ad referendum*.

51. With regard to paragraph 145, statements and/or drafting proposals were made by South Africa (on behalf of the African group), Czech Republic (on behalf of States members of the European Union), Islamic Republic of Iran, Nigeria, France, Guatemala and Brazil.

52. With regard to paragraph 146, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Brazil, Nigeria and Mexico.

53. At its fifth meeting, on 20 January 2009, the working group continued the first reading of section 3. Following the statements and/or drafting proposals made by Nigeria, the Czech Republic (on behalf of States members of the European Union), Brazil, Angola and Mexico with regard to paragraph 146, this paragraph was adopted by the working group *ad referendum*, as revised.

54. With regard to paragraph 147, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), South Africa (on behalf of the African group), Syrian Arab Republic, Switzerland, Nigeria and the Islamic Republic of Iran.

55. With regard to paragraph 148, statements and/or drafting proposals were made by Brazil, Chile (on behalf of GRULAC) and France. Paragraph 148, as revised, was then adopted by the working group *ad referendum*.

#### Section 1



56. At the same meeting, on 20 January 2009, the working group began the first reading of

Netherlands, Denmark, South Africa (on behalf of the African group), Mexico, Pakistan (on behalf of States members of the Organization of the Islamic Conference), Islamic Republic of Iran, Angola, Ecuador, United Kingdom of Great Britain and Northern Ireland and Algeria.

64. With regard to paragraph 11, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Islamic Republic of Iran, South Africa (on behalf of the African group) and Pakistan (on behalf of States members of the Organization of the Islamic Conference).

65. With regard to paragraph 12, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Islamic Republic of Iran and South Africa (on behalf of the African group).

66. With regard to paragraph 13, following the statements and/or drafting proposals that were made by Jamaica and South Africa (on behalf of the African group), the working group adopted *ad referendum* paragraph 13, as revised.

67. At its eighth meeting, on 22 January 2009, the working group continued the first reading of section 1. With regard to paragraph 14, statements and/or drafting proposals were made by India (on behalf of the Asian group), South Africa (on behalf of the African group), Philippines, Czech Republic (on behalf of States members of the European Union), Brazil, Islamic Republic of Iran and Nigeria.

68. With regard to paragraph 15, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Syrian Arab Republic, Pakistan (on behalf of States members of the Organization of the Islamic Conference), Singapore, Nigeria and Sudan.

69. With regard to paragraph 16, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Chile (on behalf of GRULAC), Nigeria, Belgium and Islamic Republic of Iran.

70. With regard to paragraph 17, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Nigeria and Belgium.

71. With regard to paragraph 18, statements and/or drafting proposals were made by the observer for Palestine, South Africa (on behalf of the African group), Syrian Arab Republic, Czech Republic (on behalf of States members of the European Union), United Kingdom of Great Britain and Northern Ireland and Sudan.

72. With regard to paragraph 19, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), South Africa (on behalf of the African group), Islamic Republic of Iran, Mexico, India (on behalf of the Asian group), Nigeria, Pakistan (on behalf of States members of the Organization of the Islamic Conference) and China.

73. With regard to paragraph 20, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), South Africa (on behalf of the African group), Jamaica, Nigeria and Singapore.

74. With regard to paragraph 21, statements and/or drafting proposals were made by India (on behalf of the Asian group), Czech Republic (on behalf of States members of the European Union), South Africa (on behalf of the African group), Singapore, Philippines and Pakistan (on behalf of States members of the Organization of the Islamic Conference).

75. With regard to paragraph 22, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Pakistan (on behalf of States members of the Organization of the Islamic Conference), South Africa (on behalf of the African group), Islamic Republic of Iran, Philippines and Nigeria.

76. With regard to paragraph 23, statements and/or drafting proposals were made by Saudi Arabia, Syrian Arab Republic, observer for Holy See, Czech Republic (on behalf of States members of the European Union), Pakistan (on behalf of States members of the Organization of the Islamic Conference), Netherlands, Islamic Republic of Iran, United Kingdom of Great Britain and Northern Ireland and Nigeria.

77. At the same meeting, a statement was also made by Benin.

78. At its ninth meeting, on 22 January 2009, the working group continued the first reading of section 1. With regard to paragraph 24, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Pakistan (on behalf of States members of the Organization of the Islamic Conference), observer for Holy See, Singapore, New Zealand, India (on behalf of the Asian group), Algeria, Islamic Republic of Iran, United Kingdom of Great Britain and Northern Ireland and Saudi Arabia.

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Kingdom of Great Britain and No

92. With regard to paragraph 39, statements and/or drafting proposals were made by Mexico, Czech Republic (on behalf of States members of the European Union), New Zealand, United Kingdom of Great Britain and Northern Ireland, Bolivia, Brazil, Singapore, Nigeria, Bangladesh and Denmark.

93. With regard to paragraph 40, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Bolivia and Islamic Republic of Iran. The working group then decided to delete paragraph 40.

94. With regard to paragraph 41, statements and/or drafting proposals were made by South Africa (on behalf of the African group), Switzerland, Morocco, Czech Republic (on behalf of States members of the European Union), Mexico, Nigeria, Bangladesh, Ecuador, Islamic Republic of Iran, Singapore, Belgium, Pakistan (on

*ideologies, doctrines, incitement to racial hatred, nationalist ideologies, national preference theories*, were made by the Islamic Republic of Iran, South Africa (on behalf of the African group), Nigeria, Czech Republic (on behalf of States members of the European Union), Pakistan (on behalf of States members of the Organization of the Islamic Conference), Greece and Italy.

102. With regard to paragraph 152, statements and/or drafting proposals were made by South Africa (on behalf of the African group), Czech Republic (on behalf of States members of the European Union), Ecuador, Argentina, Pakistan (on behalf of States members of the Organization of the Islamic Conference), France, United Kingdom of Great Britain and Northern Ireland, Islamic Republic of Iran, Belgium and Nigeria.

103. With regard to paragraph 153, statements and/or drafting proposals were made by the Czech Republic (on behalf of States members of the European Union), Islamic Republic of Iran, Morocco and Nigeria.

104. At its eighth meeting, on 22 January 2009, the working group continued the first reading of section 5. With regard to paragraph 153, statements and/or drafting proposals were made by Pakistan (on behalf of States members of the Organization of the Islamic Conference), Czech Republic (on behalf of States members of the European Union), Algeria, United Kingdom of Great Britain and Northern Ireland and Nigeria.

105. With regard to paragraph 154, statements and/or drafting proposals were made by South Africa (on behalf of the African group), Czech Republic (on behalf of States members of the European Union), Singapore, Islamic Republic of Iran, United Kingdom of Great Britain and Northern Ireland, Nigeria and Syrian Arab Republic. Paragraph 154 was then adopted by the working group *ad referendum*, as revised.

#### Statements by observers

106. At the end of the third meeting, on 19 January 2009, the following observers took the floor: International Coordinating Committee of National Human Rights Institutions; CIVICUS; Human Rights Watch; Indian Movement Tupaj Amaru; Indigenous Peoples and Nations Coalition, International Council for Human Rights and Indian Council for South America (joint statement); and Permanent Assembly for Human Rights.

107. At the end of the fifth meeting, on 20 January 2009, the following observers took the floor: Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP); International Coordinating Committee of National Human Rights Institutions; World N3ish Congress, European N3ish Congress and Consultative Body of N3ish Organizations (joint statement); Badil; Indian Movement Tupaj Amaru; Indigenous Peoples and Nations Coalition, International Council for Human Rights and Indian Council for South America (joint statement).

108. At the end of the seventh meeting, on 21 January 2009, the following observers made statements: Asian Forum for Human Rights and Development; Human Rights Watch; South African Human Rights Commission; Indigenous Peoples and Nations Coalition, International Council for Human Rights and Indian Council for South America (joint statement).

109. At the end of the ninth meeting, on 22 January 2009, the following observers took the floor: MAPP; Jacob Blanstien Institute for the Advancement of Human Rights; CIRAC; Association for World Education; Human Rights Watch; Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP); CIVICUS; World Jewish Congress, European Jewish Congress and Jewish Human Rights Coalition (joint statement); Indigenous World Association; IMADR and Asian Forum for Human Rights and Development (joint statement).

110. At the end of the tenth meeting, on 23 January 2009, the following observers took the floor: European Network against Racism; Afro-Swedish National Association/Centre against Racism; Indigenous Peoples and Nations Coalition, International Council for Human Rights and Indian Council for South America (joint statement).

111. At the end of the eleventh meeting, on 23 January 2009, the following observers took the floor: Egale Canada, Nord-Sud XXI, International Coordinating Committee of National Human Rights Institutions, Action internationale pour la paix et le développement dans la région des Grands Lacs (AIDP), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP),

the informal meetings of the working group on 16 to 19 and 26 February 2009 (see para. 113 above). Statements in this regard were made by South Africa (on behalf of the African group), Sudan and Argentina. The decision on this matter was postponed.

118. At the same meeting, the working group held an exchange of views on the five topics identified by the Chairperson-Rapporteur which included follow-up mechanisms and Ad Hoc Committee on complementary standards, incitement and freedom of expression, past tragedies, OHCHR, including Observatory, and other issues. Statements were made by Pakistan (on behalf of States members of the Organization of the Islamic Conference), South Africa (on behalf of the African group), Czech Republic (on behalf of States members of the European Union), Syrian



126. At its sixteenth meeting, on 9 April 2009, the working group formally adopted 6 paragraphs (paras. 17, 21, 22, 35, 39 and 89 of document A/CONF.211/PC/WG.2/2) that were adopted ad referendum during the informal meeting of the working group held on 9 April 2009. Also adopted were paragraphs 41 and 140 adopted ad referendum, respectively, at the first session of the working group and during the informal meetings held on 16 to 19 and 26 February 2009.

127. At the same meeting, the following observers took the floor: Association for World Education; COC Netherlands; Arab Commission on Human Rights; Indigenous Peoples and Nations Coalition, International Council for Human Rights and Indian Council for South America (joint statement).

128. At the same meeting, the working group decided to forward to the Preparatory Committee document A/CONF.211/PC/WG.2/2 reflecting the level of agreement on particular paragraphs reached by the working group at its plenary meetings held during its first and second sessions (see annex I), on the understanding that the Preparatory Committee at its third substantive session would continue and finalize the process of negotiations on and drafting of the outcome document. The working group also took note of the intention of the Chairperson-Rapporteur to prepare and submit to the Preparatory Committee a revised version of the document based on negotiations held in the intersessional working group.

### **III. REPORT OF THE WORKING GROUP TO THE PREPARATORY COMMITTEE FOR THE DURBAN REVIEW CONFERENCE**

129. At its sixteenth meeting, on 9 April 2009, the working group adopted ad referendum its report to the Preparatory Committee. Statements were made by China, Syrian Arab Republic, Germany, Czech Republic (on behalf of States members of the European Union) and Islamic Republic of Iran.

**Annexes**

**Annex I**

**DRAFT OUTCOME DOCUMENT OF THE DURBAN REVIEW CONFERENCE AS  
NEGOTIATED AND DRAFTED BY THE WORKING GROUP**

**(As at 9 April 2009 at 6:00 p.m.)**

**SECTION 1:**

**Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance**

**A. Sources, causes, forms, and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance**

1. Reaffirms the Durban Declaration and Programme of Action (DDPA), as it was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001; **[adopted ad ref]**
2. Welcomes the efforts undertaken at all levels since the adoption of the Durban Declaration and Programme of Action to implement its provisions;
3. Expresses concern that the obstacles identified in the Durban Declaration and Programme of Action remain to be overcome in order to eradicate, prevent and combat effectively racism, racial discrimination, xenophobia and related intolerance and that there are still many areas where achievements have not been gained or further improvements have to be attained;

4. Emphasizes the need to continue addressing with even more resolve all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance in all parts of the world and in all spheres of life;
  
5. Reaffirms that all peoples and individuals c

incitement to such acts, and that these prohibitions are consistent with freedom of opinion and expression;

12. Recognizes that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences and deplors the occurrences of armed conflicts as well as ethnic or religious violence, and notes, in this respect, paragraphs 138 and 139 of the 2005 World Summit outcome;

13. Reaffirms that the principles of equality and non-discrimination are fundamental principles of international human rights law and international humanitarian law that are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;

#### **B. Victims of racism, racial discrimination, xenophobia and related intolerance**

14. Acknowledges that there should be no hierarchy among potential victims of racism, racial discrimination, xenophobia and related intolerance and that all victims should receive the same attention, the necessary protection and accordingly appropriate treatment;

15. Expresses its appreciation for progress made in addressing the situation of the victims of racism, racial discrimination, xenophobia and related intolerance identified in the Durban



**E. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating**









48. Recognizes that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the DDPA, when considered appropriate to adapt or replicate best practices, including international cooperation; **[adopted ad ref]**

49. Recommends that examples of best practices provided for by Governments, regional and international organizations and other stakeholders be placed on the website of the OHCHR and linked to the section on the outcome of Durban Review Conference, with a view to their adaptation and replication, a



60. Welcomes actions undertaken to honour the memory of the victims of slavery and the slave trades, in particular the transatlantic slave trade, apartheid, colonialism and genocide;

61. Notes actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, and/or restituted cultural artefacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so;

62. Urges States to implement General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade;

63. Urges States to combat impunity for crimes of genocide in accordance with international law, and in this context urges States to cooperate fully with international criminal tribunals;

64. Recalls that the Holocaust must never be forgotten, and in this context urges all Member States to implement General Assembly resolutions 60/7 and 61/255;

65. Calls upon States to ensure that any measures taken in the fight against terrorism are implemented in full respect of all human rights, in particular the principle of non-discrimination;

66. Expresses its concern over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;

67. Resolves to fully and effectively enact and implement the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence through all necessary legislative, policy and judicial measures;

68. Urges States to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular their practical incorporation into the labour market and in income and employment-generation programmes; **[adopted ad ref]**

69. Urges States to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to, and building the capacity of indigenous youth and youth of African descent; **[adopted ad ref]**

70. Urges States to direct their affirmative or positive actions, strategies and measures, as well as new investments in health care, public health, education, electricity, drinking water and environmental control, to communities of African descent and indigenous peoples;

71. Welcomes the adoption of the UN Declaration on the rights of indigenous peoples which has a positive impact on the protection of victims and, in this context, urges States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments without discrimination; **[adopted ad ref]**

72. Welcomes the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and urges States to step up efforts to protect the human rights of all migrants regardless of their immigration status; **[adopted ad ref]**

73. Urges States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum seekers, and in this context encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**

74. Urges States to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum-seekers;

75. Urges States to adopt a comprehensive and balanced approach to migration, including by strengthening the international dialogue on migration, by developing real partnerships between countries of origin, transit and destination, and by exploring all possible synergies between the management of migration and the promotion of development;

76. Renews the call on all States to review and, if necessary, to revise immigration policies inconsistent with international human rights obligations, with a view to eliminating all discriminatory policies and practices;

77. Urges States that have not yet done so to adopt and enforce legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and calls on States to promptly investigate and punish all abuses, including ill-treatment;  
**[adopted ad ref]**

78. Reiterates that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world, should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;

79. Urges States to step up th



87. Acknowledges that although all children are vulnerable to violence, some children, because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;



diagnosis, and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate; **[adopted ad ref]**

93. Welcomes the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and urges States to effectively address the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination;

94. Urges States to consider signing and ratifying or acceding to all instruments mentioned in paragraph 78 of the Durban Declaration and Programme of Action;

95. Urges States to consider signing and ratifying or acceding to all instruments adopted after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including

- a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- c) Convention on the Protection and Promotion of the Diversity of Cultural Expressions; **[adopted ad ref]**

96. Urges States to combat impunity for crimes with racist or xenophobic motivations, including through adopting appropriate legislation, as well as by amending, rescinding or nullifying any laws and regulations which create or perpetuate racism, racial discrimination, xenophobia and related intolerance;

97. Calls upon States, in accordance with their human rights obligations, to declare illegal and to prohibit by law all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote national, racial and religious hatred and discrimination in any form, and to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

98. Urges States to ensure that everyone within their jurisdiction, including victims of racism, racial discrimination, xenophobia and related intolerance enjoys access to justice, as well as access to appropriate State institutions and mechanisms in order to seek recognition of wrongdoing and just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counseling and draws attention to the need to



discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education; **[adopted ad ref]**

106. Encourages all States and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding among various cultures and civilizations; **[adopted ad ref]**

107. Calls upon States to implement cultural rights through the promotion of intercultural and inter-<sup>180</sup> dialogue and cooperation at all levels, especially the local and grass-roots levels; **[adopted ad ref]**

108. Urges States to encourage political parties to work towards fair representation of national or ethnic, <sup>180</sup> and linguistic minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society; **[adopted ad ref]**

109. Urges States to improve democratic institutions, to increase participation, and to avoid marginalization, exclusion of and discrimination against specific sectors of society; **[adopted ad ref]**

110. Encourages Parliaments to regularly address the issue of racism, racial discrimination, xenophobia and related intolerance, with a view to consolidating their legislation, including anti-discrimination legislation, and to enhance policies to fight racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**

111. Encourages States to adopt strategies, programmes and policies, including, inter alia, affirmative or positive actions and strategies or measures, to enable the victims of racism, racial discrimination, xenophobia and related intolerance to fully realize their civil, cultural, economic, political, and social rights, including through improved access to political, judicial and administrative institutions, and to grant them greater opportunity to participate fully in all spheres of life of the societies in which they live;





125. Urges all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**

126. Invites the Fédération Internationale de Football Association, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the High Commissioner for Human Rights in her capacity as Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies; **[adopted ad ref]**

### **Action by the Office of the High Commissioner for Human Rights and the United Nations system**

127. Invites the High Commissioner for Human Rights to further increase awareness of the struggle against racism, racial discrimination, xenophobia and related intolerance, including the awareness of the relevant mechanisms and bodies, through the appropriate activities and programmes of OHCHR; **[adopted ad ref]**

128. Reiterates its call on OHCHR to continue its efforts to increase awareness and support for the work of the Committee on the Elimination of Racial Discrimination, as part of the overall endeavor to strengthen the work of the treaty bodies; **[adopted ad ref]**

129. Encourages OHCHR to continue to provide support to the mechanisms of the Human Rights Council to monitor the implementation of the DDPA; **[adopted ad ref]**

130. Request the High Commissioner for Human Rights to continue fully and effectively implement the mandate given to OHCHR in the DDPA; **[adopted ad ref]**

131. Welcomes the proposal of the High Commissioner for Human Rights and recommends the establishment of a United Nations observatory on racism, with a view to, inter alia, improving the gathering, analysis and dissemination of information, in collaboration with relevant national, regional and international bodies;

132. Invites OHCHR, in cooperation with regional stakeholders in all parts of the world, to organize a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, as stipulated in article 20 of the International Covenant on Civil and Political Rights, in order to arrive at a comprehensive picture of the implementation of the prohibition of incitement with a view to remedying any possible substantive or implementation gaps;

133. Encourages OHCHR to intensify its collaboration with international and regional bodies dealing with the fight against racism, racial discrimination, xenophobia and related intolerance;  
**[adopted ad ref]**

134. Welcomes the intention of the High Commissioner for Human Rights to lead in mainstreaming the implementation of the Durban Declaration and Programme of Action into the activities of all relevant parts of the United Nations and, in this regard, takes note with appreciation of the intention of the High Commissioner to make its implementation a standing agenda item in her high-level consultations with United Nations partners, to be followed up at the working level by an inter-agency task force, working in collaboration with the

138. Calls on OHCHR to continue to support States, at their request, in the process of establishing and strengthening national human rights institutions in compliance with the Paris Principles, and in implementing national plans of action against racism, racial discrimination, xenophobia and related intolerance; **[adopted ad ref]**

139. Calls on Member States to contribute to the Trust Fund for the Programme of the Decade to Combat Racism and Racial Discrimination for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the work of the Intergovernmental Working Group on the effective implementation of the DDPA; **[adopted ad ref]**

140. Welcomes the important role of the United Nations Educational Scientific and Cultural Organization (UNESCO) and encourages it to pu



## **Annex II**

### **AGENDA**

1. Opening of the session.
2. Election of Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Implementation of the mandate of the working group as contained in Preparatory Committee decision PC.3/9 of 17 October 2008 entitled  
“Continuation of the preparatory process for the Durban Review Conference”.
6. Report of the working group to the Preparatory Committee for the Durban Review Conference.



**Annex IV**

**LIST OF DOCUMENTS**

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/CONF.211/PC/WG.2/1	3	Provisional agenda and annotations
A/CONF.211/PC/WG.2/2	5	Shortened and streamlined 'rolling text' prepared by the Chairperson-Rapporteur

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