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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Durban, 31 August-7 September 2001
Agenda item 9

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 declaration

Addendum

1. At its meeting, on 7 September 2001, the Main Committee considered the draft declaration submitted to it by the working group and 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 declaration as amended and recommended it to the Conference for adoption.

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 by 2nd PrepCom – brackets round DEVELOPMENT removed)

PP8. Welcoming the decision of the General Assembly to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, which underlines tolerance and respect for diversity and the need to seek common ground among and within civilizations in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion; (ADOPTED by WG on 2/9)

PP9. Welcoming also the proclamation by the General Assembly of the period 2001-2010 as the Decade for a Culture of Peace and Non-Violence for Children of the World, as well as the adoption by the General Assembly of the Declaration and Plan of Action on a Culture of Peace; (ADOPTED by WG on 2/9)

PP12. Recalling the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960; (ADOPTED by WG on 1/9)

PP16. Convinced of the fundamental importance of universal accession to or ratification of and full implementation of 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; (ADOPTED by WG on 1/9)

PP17. Recognizing the fundamental importance for States, in combating racism, racial discrimination, xenophobia, and related intolerance, to consider signing, ratifying or acceding to all relevant international human rights instruments, with a view to universal adherence; (ADOPTED by WG on 5/9)

PP19. 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 seventy-four heads of State, heads of Government and dignitaries; (ADOPTED by WG on 1/9)

PP21 Acknowledging that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid and slavery is permitted, as defined in the obligations under the relevant human rights instruments; (ADOPTED by WG on 6/9)

PP22 bis (former 86.) Recognizing that equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 6/9)

PP23 Emphasizing the importance of the equitable participation of all, without any discrimination, in domestic as well as global decision-making; (ADOPTED by WG on 6/9)

PP24. Affirming that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free and equal in dignity and rights, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root

causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations; (ADOPTED by WG on 4/9)

PP25. 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 all human rights, economic, social, cultural, civil and political, which are universal, indivisible, interdependent and interrelated, and to improve the living conditions of men, women and children of all nations; (ADOPTED by WG on 1/9)

PP26. 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; (ADOPTED by WG on 1/9)

PP31 Fully aware that, despite efforts undertaken by the international community, Governments and local authorities, the scourge of racism, racial discrimination, xenophobia and related intolerance persists and continues to result in violations of human rights, 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 by 2nd PrepCom; ADOPTED by WG on 6/9 after deletion of [*])

PP33. 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; (ADOPTED by WG on 2/9)

PP34. Strongly rejecting any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races; (ADOPTED by WG on 2/9)

PP36 Reaffirming that States have the duty to protect and promote the human rights and fundamental freedoms of all victims, 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 by 2nd PrepCom; ADOPTED by WG on 6/9 after deletion of text in brackets and word “including” and addition of the word “victims”)

PP38. 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, the eradication of racism, racial discrimination, xenophobia and related intolerance and the realization of genuine equality of opportunity and treatment for all individuals and peoples; (ADOPTED by WG on 2/9)

PP39 Reaffirming the principle of equal rights and self-determination of peoples and recalling that all individuals are born equal in dignity and rights, stressing that such equality must be protected as a matter of the highest priority and recognizing the duty of States to take prompt, decisive and appropriate measures with a view to eliminating all forms of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 5/9)

New 1. For the purpose of the present Declaration and Programme of Action, the victims of racism, racial discrimination, xenophobia and related intolerance are individuals or groups of individuals who are or have been negatively affected by, subjected to, or targets of these scourges; (ADOPTED by WG on 6/9)

6. We note with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion; (ADOPTED by WG on 6/9)

6 bis We reaffirm that everyone is entitled to a social and international order in which all human rights can be fully realized for all, without any discrimination; (ADOPTED by WG on 6/9)

8. We recognize that interregional and intraregional migration has increased as a result of globalization, in particular from the South to the North, and stress that policies towards migration should not be based on racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by 3rd PrepCom and amended/ ADOPTED by WG on 2/9)

19. We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices; (ADOPTED by WG on 2/9)

27. The use of the term "indigenous peoples" in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is in the context of, and without prejudice to the outcome of, ongoing international negotiations on texts that specifically deal with this issue, and cannot be construed as having any implications as to rights under international law; (ADOPTED by WG on 6/9)

28. We express our profound repugnance of the racism, racial discrimination, xenophobia and related intolerance that persists in some States in the functioning of the penal systems and in the application of the law, as well as in the actions and attitudes of institutions and individuals responsible for law enforcement, especially where this has contributed to certain groups being over-represented among persons under detention or imprisoned; (ADOPTED by WG on 5/9)

30. We express our concern that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain

political, moral and even legal recognition in many ways, including through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority; (ADOPTED by WG on 2/9)

31. We recall that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, as well as the crime of apartheid constitute serious violations of human rights and, in some cases, qualify as crimes against humanity; (ADOPTED by WG on 6/9)

42. We consider it essential for all countries in the region of the Americas and all other areas of the African diaspora to recognize the existence of their population of African descent and the cultural, economic, political and scientific contributions made by that population, and recognize the persistence of racism, racial discrimination, xenophobia and related intolerance that specifically affect them, and recognize that, in many countries, their long-standing inequality in terms of access to, inter alia, education, health care and housing has been a profound cause of the socio-economic disparities that affect them; (ADOPTED by WG on 6/9)

46 bis We note with appreciation that despite the racism, racial discrimination, xenophobia and related intolerance faced by them for centuries, people of Asian descent have contributed and continue to contribute significantly to the economic, social, political, scientific and cultural life of the countries where they live; (ADOPTED by WG on 6/9)

46 ter. We call upon all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent; (ADOPTED by WG on 6/9)

59. We reaffirm the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 6/9)
60. We note with concern that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from their countries of origin as refugees and asylum-seekers; (ADOPTED by WG on 6/9)
61. We also recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers and internally displaced persons, among others, continue; (ADOPTED by WG on 6/9)
62. We underline the urgency of addressing the root causes of displacement and of finding durable solutions for refugees and displaced persons, in particular voluntary return in safety and dignity to the countries of origin, as well as resettlement in third countries and local integration, when and where appropriate and feasible; (ADOPTED by WG on 6/9)
63. We affirm our commitment to respect and implement our humanitarian obligations relating to the protection of refugees, asylum-seekers, returnees and internally displaced persons, and note in this regard the importance of international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees, reaffirming that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime and recognizing the importance of their full application by States parties; (ADOPTED by WG on 6/9)

65. We also recognize with deep concern the existence in various parts of the world of religious intolerance against religious communities and their members, in particular limitation of their right to practise their beliefs freely, as well as the emergence of increased negative stereotyping, hostile acts and violence against such communities because of their religious beliefs and their ethnic or so-called racial origin; (ADOPTED by WG on 5/9)

72. We affirm that the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind; (ADOPTED by WG on 4/9)

73. We recognize that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and call upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates; (ADOPTED by WG on 4/9)

76. We recognize the need to develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights because of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 6/9)

77. We deplore attempts to oblige women belonging to certain faiths and religious minorities to forego their cultural and religious identity, or to restrict their legitimate expression, or to discriminate against them with regard to opportunities for education and employment; (ADOPTED by WG on 6/9)

78. We note with concern the large number of children and young people, particularly girls, among the victims of racism, racial discrimination, xenophobia and

related intolerance and stress the need to incorporate special measures, in accordance with the principles of the best interests of the child and respect for their views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children and young people who are victims of these practices; (ADOPTED by WG on 5/9)

79. We recognize that a child belonging to an ethnic, religious or linguistic minority or who is indigenous shall not be denied the right, individually or in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language; (ADOPTED by WG on 3/9)

80. We recognize that child labour is linked to poverty, lack of development and related socio-economic conditions and could in some cases perpetuate poverty and racial discrimination by disproportionately denying children from affected groups the opportunity to acquire the human capabilities needed in productive life and to benefit from economic growth; (ADOPTED by WG on 5/9)

83. We note with deep concern the fact that, in many countries, people infected or affected by HIV/AIDS, as well as those who are presumed to be infected, belong to groups vulnerable to racism, racial discrimination, xenophobia and related intolerance, which has a negative impact and impedes their access to health care and medication; (ADOPTED by WG on 3/9)

88. We reaffirm the solemn commitment of all States to promote universal respect for, and observance and protection of, all human rights, economic, social, cultural, civil and political, including the right to development, as a fundamental factor in the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 3/9)

89. We firmly believe that the obstacles to overcoming racial discrimination and achieving racial equality mainly lie in the lack of political will, weak legislation and

lack of implementation strategies and concrete action by States, as well as the prevalence of racist attitudes and negative stereotyping; (ADOPTED by WG on 3/9)

92. (merged former paragraphs 92-94) We affirm that the Dialogue among Civilizations constitutes a process to attain identification and promotion of common grounds among civilizations, recognition and promotion of the inherent dignity and of the equal rights of all human beings and respect for fundamental principles of justice; in this way, it can dispel notions of cultural superiority based on racism, racial discrimination, xenophobia and related intolerance, and facilitate the building of a reconciled world for the human family; (ADOPTED by WG on 6/9)

96. We underline the key role that political leaders and political parties can and ought to play in combating racism, racial discrimination, xenophobia and related intolerance, [anti-Semitism] and encourage political parties to take concrete steps to promote solidarity, tolerance and respect; (ADOPTED by WG on 6/9, except word in brackets)

97. We condemn the persistence and resurgence of neo-nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and state that these phenomena can never be justified in any instance or in any circumstances; (ADOPTED by WG on 6/9)

99. (merged former paragraphs 99-100) We recall that the dissemination of all ideas based upon racial superiority or hatred shall be declared an offence punishable by law with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination; (ADOPTED by WG on 6/9)

101. Article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of

violence or incitement to such acts. These organizations shall be condemned and discouraged; (ADOPTED by WG on 6/9)

103. We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable groups and individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups; (ADOPTED by WG on 3/9)

104. We recognize the positive contribution that the exercise of the right to freedom of expression, particularly by the media and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information can make to the fight against racism, racial discrimination, xenophobia and related intolerance; we reiterate the need to respect the editorial independence and autonomy of the media in this regard; (ADOPTED by WG on 3/9)

105. We express deep concern about the use of new information technologies, such as the Internet, for purposes contrary to respect for human values, equality, non-discrimination, respect for others and tolerance, including to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, particularly, children and youth having access to this material could be negatively influenced by it; (ADOPTED by WG on 3/9)

106. We also recognize the need to promote the use of new information and communication technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance; in fulfilling this need, new technologies can assist the promotion of tolerance and respect for human dignity, and the principles of equality and non-discrimination; (ADOPTED by WG on 4/9)

107. All States should recognize the importance of community media that give a voice to victims of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 6/9)

108. We reaffirm that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices, and which must be condemned; (ADOPTED by WG on 4/9)

109. We recognize that education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies; we further affirm that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 3/9)

Merger of 114 and 115. We emphasize the importance and necessity of teaching about the facts and truth of the history of humankind from antiquity to the recent past, as well as of teaching about the facts and truth of the history, causes, nature and consequences of racism, racial discrimination, xenophobia and related intolerance, with a view to achieving a comprehensive and objective cognizance of the tragedies of the past; (ADOPTED by WG on 5/9)

128. We underscore the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative institutions, as well as the need to promote effective access to justice, as well as to guarantee that the benefits of development, science and technology contribute effectively

to the improvement of the quality of life for all, without discrimination; (ADOPTED by WG on 5/9)

129. We recall the importance of enhancing international cooperation to promote (a) the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation by States of international treaties and instruments that forbid these practices; (c) the goals of the Charter of the United Nations in this regard; (d) the achievement of the goals established by the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992, the World Conference on Human Rights held in Vienna in 1993, the International Conference on Population and Development held in Cairo in 1994, the World Summit for Social Development held in Copenhagen in 1995, the Fourth World Conference on Women held in Beijing in 1995, and the United Nations Conference on Human Settlements (Habitat II) held in Istanbul in 1996, making sure that such goals encompass with equity all the victims of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 4/9)

131. We reiterate that the international response and policy, including financial assistance, towards refugees and displaced persons in different parts of the world should not be based on discrimination on the grounds of race, colour, descent, or national or ethnic origin of the refugees and displaced persons concerned and, in this context, urge the international community to increase the provision of adequate assistance on an equitable basis to host countries, in particular to host developing countries and countries in transition; (ADOPTED by WG 6/9)

133. We recognize the important role relevant regional bodies, including regional associations of national human rights institutions, can play in combating racism, racial discrimination, xenophobia and related intolerance, and the key role they can play in monitoring and raising awareness about intolerance and discrimination at the regional level, and reaffirm support for such bodies where they exist and encourage their establishment; (ADOPTED by WG on 4/9)

138. We welcome the catalytic role that non-governmental organizations play in promoting human rights education and raising awareness about racism, racial discrimination, xenophobia and related intolerance. They can also play an important role in raising awareness of such issues in the relevant bodies of the United Nations, based upon their national, regional or international experiences. Bearing in mind the difficulties they face, we commit ourselves to creating an atmosphere conducive to the effective functioning of human rights non-governmental organizations, in particular anti-racist non-governmental organizations, in combating racism, racial discrimination, xenophobia and related intolerance. We recognize the precarious situation of human rights non-governmental organizations, including anti-racist non-governmental organizations, in many parts of the world and express our commitment to adhere to our international obligations and to lift any unlawful barriers to their effective functioning; (ADOPTED by WG on 5/9)

140. We recognize that international and national exchange and dialogue, and the development of a global network among youth are important and fundamental elements in building intercultural understanding and respect, and will contribute to the elimination of racism, racial discrimination, xenophobia and related intolerance; (ADOPTED by WG on 4/9)

142. We affirm that our global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance is undertaken, and the recommendations contained in the programme of action are made in a spirit of solidarity and international cooperation and are inspired by the purposes and principles of the Charter of the United Nations and other relevant international instruments. These recommendations are made with due consideration for the past, the present and the future, and with a constructive and forward-looking approach. We recognize that the formulation and implementation of these strategies, policies, programmes and actions, which should be carried out efficiently and promptly, are the responsibility of all States, with the full involvement of civil society at the national, regional and international levels; (ADOPTED by WG on 5/9)
