

115. [New text] Express deep concern at the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities.

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## C. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels

### {General}

122. Stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion, political opinions or those of any other nature, social origin, social and economic status, level of education, status as a migrant or asylum-seeker or refugee, stateless person, internally displaced person, or person living with an infectious or contagious disease or any other stigmatized physical or mental condition, genetic characteristic, physical or mental disability or any other condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments,

### {Practical measures to confront racism}

123. {former para. 145} Emphasizes the importance of developing at the national and international levels an intellectual front and other practical measures to confront racism and, consequently, combating, inter alia, through education, scientific research and information ideas, concepts and images likely to cause incitement to or to legitimize racism, racial discrimination, xenophobia or related intolerance;

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124. {former para. 146} Urges States to adopt comprehensive measures relating to immigration, asylum and the situation of foreigners and national minorities that are based on international law and relevant instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Durban Programme of Action, which attach priority to respect for their rights;

125. {former para. 147} Calls on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas;

### {Adoption of legislation}

126. Stresses the widespread adoption of legislation to promote equality and to eradicate racism, racial discrimination, xenophobia and related intolerance, together with the amendment or repealing of legal provisions that give rise to discriminatory practices;

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### {Ratification}

127. {former para. 133} Urges States to consider ratifying the Convention on the Rights of Persons with Disabilities and acknowledges the importance of the relevant international instruments and the appropriateness of taking those measures required to protect the human rights of all persons with disabilities and to integrate them fully into the social and employment spheres;

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{Collection of Disaggregated information}

128. {former para. 148} Recommends that concerned States establish mechanisms through which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the criminal justice system, political participation and representation, as regards people of African descent and migrants, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;
129. {former para. 149} Notes with appreciation the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues;
130. {former para. 150} Urges States to adopt appropriate mechanisms with a view to monitoring and measuring programmes' effectiveness and progress: (reproduced twice)
131. {former para. 151} Acknowledges the importance of making progress in gathering data and other human development indicators disaggregated by race and ethnicity, whether by conducting censuses or by collecting, compiling, analysing and providing data at the national and local levels, which should also take into consideration such social and economic indicators as average income, access to health services, maternal and infant mortality, life expectancy, literacy rate, access to education, employment opportunities, quality of housing, land ownership and access to water, health and communications services;

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{Education/Culture and history}

132. {former para. 152} Promoting human rights education: *Recognizing that* the DPA reaffirms that "education at all levels and all ages, [...] 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". National legislation promoting human rights education has been approved in many countries after the 2001 adoption of the DPA, particularly in order to sensitize the public at large concerning the cultural identity of traditional minorities. In Latin America, many countries have focused on promoting diversity education that centered on the teaching of indigenous and Afro-Brazilian culture and history in schools, including by a redrafting of textbooks and other educational material. In Africa, progress has been made in some contexts where human rights education was promoted as an explicit tool to foster post-conflict understanding and conflict prevention. In the Asia and Pacific region, as reported in the 13th Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, a number of States have engaged in drafting national human rights and human rights education plans of action. In Europe, intercultural education has increasingly become a central element of national policy and educational plans. This has focused particularly on the notion of cultural diversity, which has been incorporated into teacher training programmes and teaching materials.
133. {former para. 153} Believes that human rights education is essential to the realisation of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected;
134. {former para. 154} Calls on States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;
135. {former para. 155} Calls on States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;

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the racial, ethnic, cultural and linguistic diversity of societies and for promotion and protection of democratic values which are essential to prevent the spread of racism, racial discrimination, xenophobia and related intolerance;

137. {former para. 157} Reaffirm also that education is one of the principal means of preventing and eradicating racism and racial discrimination and of raising awareness of human rights, particularly among children and young people, and in this context stress the need to amend suitably the textbooks that perpetuate racial stereotypes or encourage xenophobia; (reproduced twice)

138. {former para. 158} Emphasize that education and awareness-raising activities undertaken by states should aim to foster a spirit of tolerance and respect for people from different races, religions, cultures and nationalities from an early age; (reproduced twice)

139. {former para. 159} Re-emphasize the importance and necessity of teaching about the past and recent history of colonialism, racism, racial discrimination, xenophobia and related intolerance in order to prevent the recurrence of such policies and practices;

{Prevention}

140. {former para. 170} Recognizes that prevention is a key element of any political strategy to combat racism, racial discrimination and xenophobia;

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141. {former para. 171} Welcomes also preventive initiatives to tackle discrimination in employment such as programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some more experiments with contract compliance and anonymous job applications;

142. {former para. 172} Stresses the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage;

143. {former para. 173} Stress the necessity of increasing appropriate preventive measures in order to eliminate all forms of racial discrimination, and the important role that Governments, international organizations, the media, non-governmental organizations and civil society can play in developing such measures and building confidence between different racial and ethnic groups;

144. {former para. 174} Reaffirm also that education is one of the principal means of preventing and eradicating racism and racial discrimination and of raising awareness of human rights, particularly among children and young people, and in this context stress the need to amend suitably the textbooks that perpetuate racial stereotypes or encourage xenophobia; (reproduced twice)

{National strategies}

145. {former para. 175} Welcomes the development of national strategies to promote cohesion and tackle community tensions;

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146. {former para. 149} Notes with appreciation the existence of information network on racism and xenophobia which collected relevant information at the national level and which develop strategies to combat racism and xenophobia, while also highlighting and disseminating examples of good practice in tackling these key issues; (reproduced twice)

147. {former para. 165} Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance; (reproduced three times)

148. {former para. 176} Stresses the importance of making progress in putting in place affirmative action policies in key sectors, such as access to education and employment, health and social security, political participation and investment in infrastructure that benefits communities in which people of African descent, indigenous peoples and other groups suffering from discrimination live;

149. {former para. 177} Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;

{Groups: Indigenous and African descent}

150. {former para. 130} Notes the need to make progress in measures to provide assistance to indigenous young people and those of African descent who live in the peri-urban areas of the region's major cities and who are particularly affected by urban violence;

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{Women and girls}

151. {former para. 140} Urges States to adopt all necessary measures, in particular, by means of policies and programmes, to tackle racism and race-based violence against women and girls, and to boost cooperation, prescriptive responses and the effective implementation of national legislation and obligations under relevant international instruments and other protective and preventive measures to eradicate all forms of discrimination and violence based on racial discrimination against women and girls;

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152. {former para. 141} Calls upon States to promote social equity, gender equality and women's human rights by strengthening and promoting women's full and equal participation in the political process in their countries and in the decision-making process at all levels;

153. {former para. 142} Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms;

{Victims}

154. {former para. 168} Notes the existence and efficiency of measures regarding victims of racism, racial discrimination, xenophobia and related intolerance;

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155. {former para. 169} Recalls the commitment made by EU member states and many others in 2000 at the Stockholm International Forum on the Holocaust to commemorate the victims and to honour those who stood against it, and welcomes the Council of Europe's dedication in 2002 of an annual "Day of Remembrance of the Holocaust and for the prevention of crimes against humanity";

{Progress}

156. Notes significant progress in the creation of specialized State bodies and mechanisms responsible for formulating and implementing public policies to eradicate discrimination and to promote racial equality;

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157. Identifies progress in the formulation of national plans to eradicate racism, racial discrimination, xenophobia and related intolerance;

158. Notes the broadening of dialogue with non-governmental organizations and other sectors of civil society;

159. Confirms that there has been some implementation of training and educational activities on human rights from an anti-racist and anti-sexist perspective for public officials;

160. Notes progress in the adoption of policies and programmes to improve the prevention of HIV/AIDS in high-risk communities and to eradicate discrimination against persons living with HIV/AIDS;

African descent, such as affirmative action programmes for access to higher education;

162. {Obstacles hampering progress}; {former para. 160} Noting that some of the other obstacles hampering progress in the collective struggle against racism and racial discrimination include: weak legislation and policies, lack of moral, educational and practical strategies, non-implementation of international legal framework and commitments by some, persisting impunity on different grounds such as freedom of expression, counter terrorism or national security as well as sharp increase in the extreme right wing xenophobic political platforms.

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163. {former para. 161} Some of the other normative and preventive measure that have been proposed over time during discussions on the subject of Review mechanisms include: a) mandatory prohibition by law to eliminate racio-religious profiling or profiling based on any grounds of discrimination recognized under international human rights law with the legal action against perpetrators and effective remedies for the victims; b) legal restrictions on the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred; c) in pursuance of the paragraph 144 of the DDPA, media representative should draw up a their our code of conduct; d) as proposed by the Special Representative on Racism, establishment of national, regional and international monitoring bodies for racist and xenophobic acts, including the OHCHR observatory for racist incidents; e) emphasis on the role of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

#### {Development of new measures}

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164. {former para. 181} Welcomes the development of new measures which improve the fight against racism and discrimination such as the situation testing in order to investigate the occurrence and extent of discrimination in different occasions;

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#### {Multicultural diversity}

165. {former para. 136} Also urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever possible, affirmative action quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments;

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166. {former para. 137} Invites States, in their national policies, to promote the dialogue of cultures and religions to enhance the respect for the dignity of people of diverse racial origins and beliefs, for the promotion of international peace and security;

167. {former para. 138} Reaffirm that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity through cooperation and mutual enrichment in various fields of human endeavour and that the promotion of this dialogue serves as an advanced instrument for combating racism;

168. {new para. from a regional contribution} Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;

169. {former para. 139} Notes the needs to bolster measures that promote and broaden access to opportunities for a greater and better participation by people of African descent and indigenous peoples in political, economic, social and cultural aspects of society, together with measures that ensure that national political and legal systems reflect society's cultural diversity, particularly as regards women, and acknowledge the various systems and forms of representation;

{Funding civil society}

170. {former para. 134} Invites States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;
171. {former para. 135} Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil societies and encouragement of political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system;

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{Incitement to religious hatred}

172. {former para. 143} Calls upon States to pay attention to the serious nature of incitement to religious hatred such as anti-Semitism, Christianophobia and, more particularly, Islamophobia, and to promote the fight against those phenomena by strengthening interreligious and intercultural dialogue concerning the common ethics of all religions and by adopting legislation aimed at ending impunity in this respect;
173. {former para. 144} Stresses the need to make progress in devising and implementing appropriate measures to prevent and punish contemporary forms of racism, such as incitement to racial hatred or violence by means of new information technologies, including the internet;

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{States action}

174. {former para. 162} Urges states to take immediate measures as a matter of priority to end such practices which constitute flagrant violation of human rights;
175. {former para. 163} Stresses that every State must ensure the protection of human rights of all individuals within its territory and subject to its jurisdiction, without discrimination of any kind, including in particular on the basis of national origin;
176. {former para. 164} Urges States who have not yet done so to adopt and enforce new legislation in order to provide protection to migrant domestic workers, particularly women domestic workers, and to give access to migrant workers in domestic service to mechanisms for bringing complaints against employers. Such instruments should not aim at punishing migrant workers. Calls on states to promptly investigate and punish all abuses, including ill-treatment;
177. {former para. 154} Calls on States to promote learning environments that are inclusive and that foster equal opportunities, diversity and non-discrimination as well as equal access and participation to educational facilities;
178. {former para. 155} Calls on States to enhance their education and training efforts in the field of human rights, including targeted training programs for professional audiences and law enforcement officials;
179. {former para. 165} Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance: (reproduced three times)
180. {former para. 166} Reaffirm the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups;
181. {former para. 150} Urges States to adopt appropriate mechanisms with a view to monitoring and measuring programmes' effectiveness and progress: (reproduced twice)

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182. {former para. 167} Reiterate the call to the remaining States to

- a. honour the memory of the victims of past tragedies;
- b. apologize and pay reparations; and
- c. restitute art objects, historical artifacts and documents to their countries of origin;

183. {former para. 142} Urges States to include women in their decisions and to accord priority to the promotion and protection of the full enjoyment on an equal footing for men and women of all human rights and fundamental freedoms: (reproduced twice)

#### {Action at national level}

184. {former para. 180} Encourages the development of national capacities for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

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185. {former para. 165} Encourages States to formulate and implement training programmes for their law enforcers, immigration officers and border officials, prosecutors and service providers with a view to sensitising those public-sector workers to the issue of racism, racial discrimination, xenophobia and related intolerance: (reproduced three times)

#### {Institutions dealing with racism}

186. {former para. 178} Highlights the existence of numerous institutions dealing with racism and discrimination such as ombudsmen, national networks of anti-discrimination services, committees or agencies on racism and discrimination;

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#### {Awareness-raising activities}

187. {former para. 179} Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil societies and encouragement of political parties to work towards fair representation of racial, ethnic, national and religious minorities within and at all levels of their party system;

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188. {former para. 158} Emphasize that education and awareness-raising activities undertaken by states should aim to foster a spirit of tolerance and respect for people from different races, religions, cultures and nationalities from an early age: (reproduced twice)

189. {new para. from a regional contribution} Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;

#### {Employment}

190. {former para. 171} Welcomes also preventive initiatives to tackle discrimination in employment such as programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some more experiments with contract compliance and anonymous job applications: (reproduced twice)

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#### {Multiple discrimination}

191. {former para. 182} Reiterate that special attention needs to be given 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;

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192. ~~{former para. 183} Resolutely condemn any ideologies and practices based on racial discrimination or superiority which entail abuse of human rights and fundamental freedoms, and affirm that all States have the obligation to take all available measures to combat ideologies, activities and practices based on racial discrimination or superiority;~~

**{Other issues}**

193. Observes that issues of migration are extremely significant for the region and confirms its full commitment to complying with the Durban Declaration and Programme of Action on that subject, as a powerful affirmation of the need to uphold migrants' human rights while respecting the sovereignty of States to adopt legislation that they deem appropriate, and, with this in mind, expresses its deep concern at legislation recently passed or proposed by some countries or regional organizations that runs counter to the commitments made under human rights and migrants rights conventions established under the relevant United Nations legal instruments; in that regard, calls upon the relevant authorities to initiate comprehensive and broad-based dialogue on migration that makes it possible to identify common challenges and areas of cooperation that link the management of migration and the promotion of development;

194. Stress that policies towards migration should not be based on discrimination on racism, racial discrimination, xenophobia and related intolerance and should be consistent with international human rights standards;

195. Reaffirm the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups;

196. ~~[new para. from a regional contribution] Identifies the need for measures, such as information campaigns and educational programmes, which seek to encourage appreciation of and respect for diversity, together with the rejection of racism, racial discrimination, xenophobia and related intolerance in all States;~~

197. Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;

198. Encourages the development of national capacities for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

## D. Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels

**{Access to justice}**

184. Affirms the importance of effective and independent judiciary for allowing the victims of racism to seek adequate redress;

185. ~~With regard to the issue of difficulties encountered in accessing to justice, including specific barriers related to discriminative practices, it is useful to~~ *Recalling that* the concept of access to justice does not only refer to the possibility of defending a case before a tribunal, but also includes the analysis of the whole system of administration of justice and the factors that impinge its functioning. It has been observed that the obstacles that impede access the justice system are often connected to discriminative practices affecting specific vulnerable groups, such as indigenous peoples, refugees, migrants, and stateless persons. These groups face difficulties in accessing justice because of different

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<#>Invites States to establish, or, where appropriate, to continue boosting, funds to support civil society organizations to bolster their work against racism, racial discrimination, xenophobia and related intolerance, thereby guaranteeing their freedom from interference and their participation in the forums that administer and transfer the resources held in such funds;¶  
<#>Welcomes the numerous awareness-raising activities involving States, in order to promote and disseminate the values and practices underlying the fight against discrimination, including through financial support for the projects of civil societies and encouragement of political parties to work towards fair ... [1]

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<#>honour the memory of the victims of past tragedies; ¶  
<#>apologize and pay reparations; and¶  
<#>restitute art objects, historical artifacts and documents to ... [2]

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