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DRAFT REPORT OF THE REGIONAL PREPARATORY MEETING

FOR AFRICA FOR THE DURBAN REVIEW CONFERENCE

Vice-Chairperson/Rapporteur: Ms. Cissy Talinaku (Uganda)

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I. FINAL DOCUMENT OF THE REGIONAL PREPARATORY MEETING FOR AFRICA FOR THE DURBAN REVIEW CONFERENCE

We, the African Regional Conference, having met in Abuja from 24 to 26 August 2008 in the framework of the review of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001, hereby issue the following Declaration and Programme of Action:

Underlining the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Underlining also the importance of the Dakar Declaration and Programme of Action adopted at the Regional Conference for Africa held in Dakar, Senegal, in January 2001,

Expressing sincere appreciation to the Government of Nigeria for hosting the present African regional preparatory meeting,

Recalling the values and principles of human dignity and equality enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the African Charter on Human and Peoples' Rights and all other related international instruments,

Recalling also the great importance that African peoples attach to the values of solidarity, tolerance and multiculturalism, which constitute the moral ground and the inspiration for our struggle against racism, racial discrimination, xenophobia and related intolerance, and the inhuman tragedies which Africa has suffered for too long,

Reaffirming the principles of equal rights and self-determination of peoples and recalling that all individuals are born equal in dignity and rights, and 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,

Expressing deep alarm at the sharp increase in xenophobic tendencies and intolerance towards various racial and religious groups and cultures, where people belonging to minorities, migrants, refugees, asylum-seekers and illegal migrants are the worst affected victims of such tendencies and associated acts,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are manifestations of racism, racial discrimination, xenophobia and related intolerance,

Regretting the alarming signs of regression in efforts to combat racism, racial discrimination xenophobia and related intolerance, particularly the upsurge in racist violence, and recognizing the crucial importance of political will in the refusal to trivialize racism, racial discrimination, xenophobia and related intolerance in the rejection of their use in politics and electoral campaigns, and in the systematic combating of racist and xenophobic political platforms,

Recognizing that racism, racial and ethnic discrimination, xenophobia and related intolerance affect women differently from men, aggravating their living conditions and generating multiple forms of violence, thus limiting or denying their enjoyment of their human rights,

Strongly condemns ethnicisation and criminalization of irregular migrants and asylum-seekers;

Emphasizing the need, more urgent than ever before, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to enable all relevant human rights mechanisms to pay attention to that issue so as to prevent the recurrence of such acts,

Stressing the need to summon and sustain political will at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the commitments enshrined in the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to that end,

Paying tribute to countries and personalities who lent their valuable support to Africa during its struggle against institutionalized racism, colonialism and apartheid, acknowledging the suffering caused by colonialism, and affirming that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented,

Acknowledging the important role of African and international non-governmental organizations, the media, national institutions and civil society in the fight against racism and encouraging them to intensify their endeavours in that respect,

Recalling the decision of the Heads of State of the African Union on the Commemoration of the Abolition of Slavery,

Reaffirming the historical fact that the most hideous manifestations of racial discrimination that the continent of Africa and the African diaspora have suffered, namely the slave trade, all forms of exploitation, colonialism and apartheid, were essentially motivated by economic objectives and competition between colonial Powers for strategic territorial gains, and for the appropriation of, control over and pillage of natural and cultural resources,

Recognizing the enduring and tragic impact of the slave trade, which is a crime against humanity, particularly the African people and its successive generations,

Recalling United Nations General Assembly resolution 61/19 of 28 November 2006, commemorating the two-hundredth anniversary of the abolition of the transatlantic slave trade, which acknowledges that the slave trade and the legacy of slavery are at the heart of situations of profound social and economic inequality, hatred, bigotry, racism and prejudice that continue to affect people of African descent,

Recalling further resolution 62/122 of 17 December 2007, by which the General Assembly decided to designate 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, beginning in 2008, as a complement to the existing International Day for the Remembrance of Slave Trade and its Abolition,

Reaffirming the recommendation of the Working Group of Experts on People of African Descent that the question of reparations be included in the Durban Review Conference,

Recalling article 5 of the African Charter on Human and Peoples' Rights, which affirms: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited",

Acknowledging the historic responsibility of Africans everywhere in the world to celebrate the abolition of slavery as part of their historical legacy in order to ensure that this tragic blot on human history is not forgotten and can never recur,

Reiterating that all individual human rights violations and collective violations such as racial discrimination should be condemned and that appropriate remedies must be provided,

Affirming that, by enhancing victims' right to benefit from international recognition and protection of their right to remedies and reparation, the international community strengthens its credibility in the cause of human rights, shows faith and human solidarity with victims, survivors and future human generations and reaffirms the principles of the equality and dignity of all human beings, accountability, justice and the rule of law,

Emphasizing that the victims' right to access to justice is of special importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically, and that the principle of equality of victims in legal systems is meaningless unless it is accompanied by affirmative action,

Emphasizing also the importance of demonstrating goodwill to humanity and the primacy of reconciliation by taking concrete measures towards the implementation of key issues of concern to the victims of racism, racial discrimination, xenophobia and related intolerance, which relate to the restoration of their dignity and equality as envisaged in paragraphs 98–106 of the Durban Declaration,

Regretting that the commitments made in paragraphs 157 and 158 of the Durban Programme of Action remain unfulfilled,

Calling upon the Durban Review Conference to address the issue of reparations for people of African descent with reference to paragraphs 164, 165 and 166 of the Durban Programme of Action,

Recalling decision 3/103 of the Human Rights Council by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects,

Regretting that weak legislation and the absence of appropriate policies and programmes to tackle racism and racial discrimination persist at the national level;

Regretting further the erosion, in some parts of the world, of the established international legal framework, as well as other international commitments, in the field of combating racism, racial discrimination, xenophobia and related intolerance;

Expressing concern at the persisting impunity for acts of racism, racial discrimination, xenophobia and related intolerance;

Reaffirming that genocide is the most serious manifestation of racism, racial discrimination, xenophobia and related intolerance;

I. 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

1. *Emphasizes* the need for States to adopt educational and practical strategies, in addition to legal measures, in fighting racism;

2. *Emphasizes also* the need to achieve racial equality, in particular with regard to participation in political life and the economic, social and cultural situation of the individuals and various groups and communities in a given society;

3. *Calls upon* States in their reporting to the Human Rights Council to indicate measures taken to quell the elaboration and implementation of racist political programmes, and to establish specific national mechanisms to verify that the programmes of political parties are not based on racist ideas or motivations;

4. *Emphasizes* the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia, as contemporary forms of racism as well as racial and violent movements

based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities;

5. *Stresses* the need for an assessment to be conducted by the Human Rights Council and the Committee on the Elimination of Racial Discrimination on the extent to which racist phenomena are addressed through the implementation of specific laws, and underlines the importance of establishing national mechanisms with a view to specifically examining those phenomena;

6. *Welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008, and requests the Ad Hoc Committee, at the second part of its first session, to heed, as provided in Human Rights Council decision 3/103 of 18 December 2006, as a matter of priority, the instruction and decision of the World Conference against Racism on the elaboration, as a matter of priority and necessity, of complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination to fill existing gaps in the Convention and provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred;

7. *Stresses* the need to assess the progressive contribution of civil society organizations to combating racism, racial discrimination, xenophobia and related intolerance, and ways and means of enhancing the role of civil society in that regard;

8. *Reaffirms* that the basic premise of the protection of human rights is respect for the human dignity and integrity of all individuals, regardless of their racial, ethnic, religious, gender or group affiliations, and expresses concern at the growing negative impact of the trivialization of racism, racial discrimination, xenophobia and related intolerance;

9. *Reaffirms also* that the eradication of racism, racial prejudice and xenophobia should aim not only at promoting equality and eliminating discrimination but also at promoting interactions between ethnic, cultural and religious communities in particular in multicultural societies;

10. *Invites* States, in their national policies, to promote the dialogue of cultures and religions to enhance the respect for dignity of people of diverse racial origins and beliefs, for the promotion of international peace and security;

11. *Urges* States to link the fight against racism, racial discrimination, xenophobia and related intolerance with the political and constitutional recognition of, the legal respect for and the promotion of, multiculturalism through education, information and communication;

12. *Reiterates* strongly that freedom of religion or belief, freedom of opinion and expression, and non-discrimination are interdependent, and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to religious hatred under article 20 of the International Covenant on Civil and Political Rights and other analogous instruments;

13. *Underlines* the importance of the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981;

14. *Calls* on States to refrain from condoning incitement to racial and religious hatred and violence under the pretext of free speech;

15. *Reiterates* that it is critical for Governments and the judiciary to ensure that acts that constitute incitement under article 20 of the International Covenant on Civil and Political Rights are closely monitored and do not enjoy impunity;

16. *Urges* the Human Rights Committee to clarify the scope and content of article 20 of the International Covenant on Civil and Political Rights within the framework of its general comments with the aim, among other things, of defining an appropriate threshold for enacting relevant legislation;

17. *Invites* the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to adopt a joint general comment on article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of

Racial Discrimination further clarifying and defining, inter alia, States' obligations thereunder and the threshold beyond which an act constitutes a violation thereof, bearing in mind general comment 11 of the Human Rights Committee and general recommendation 15 of the Committee on the Elimination of Racial Discrimination;

18. *Also urges* States, as a matter of priority:
 - (a) To demonstrate a firm political will to combat the rise in racial discrimination and religious intolerance, and to promote mutual respect and understanding of cultural diversity;
 - (b) To punish violent, racist and xenophobic activities of neo-Nazi groups in accordance with pertinent international instruments;
 - (c) To pay special attention to the political use of discrimination and xenophobia, notably the ideological and electoral permeation of racist and xenophobic platforms into the programmes of democratic parties;
19. *Requests* the Human Rights Council to invite religious and cultural communities to promote an in-depth intercultural and interreligious dialogue, including on joint actions on issues at the core of their faith, such as peace, human rights and development, and by analysing the internal factors in their beliefs, practices and relationships that may have contributed to incitement to religious hatred;
20. *Urges* States to honour their obligations, pursuant to pertinent international instruments, to give priority to combating racism, racial discrimination, xenophobia and related intolerance;
21. *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 aiming at ending impunity in this respect;
22. *Calls also upon* States to wage a systematic campaign against incitement to racial and religious hatred and to respect the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights;
23. *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;
24. *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;
25. *Urges* States to discontinue discriminatory security practices that single out individuals or groups on the basis of their race, religion or belief, names and appearance;
26. *Stresses* the seriousness of the rise in racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas, and also stresses that it is inhuman and degrading that such areas are "no-rights zones" for non-citizens in general and for immigrants and asylum-seekers in particular;
27. *Emphasizes* the seriousness and depth of the resurgence of manifestations of racism and xenophobia, both old and new, and stresses that a vigorous and consensual response from the international community is, therefore, urgently needed;
28. *Reiterates* that the Durban Programme of Action constitutes the most detailed response to those phenomena to date and underlines the importance of the Durban review process supplementing the Durban Declaration and Programme of Action in all the areas in which differences

were expressed following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

29. *Calls upon* the Durban Review Conference to demonstrate the political will to confront those phenomena, and acknowledges that a failure of the Durban review process would, above all, pave the way for intensification of worrying racist and xenophobic trends, namely, the upsurge in racist violence, the political use of racism and its intellectual legitimization;

30. *Regrets* deeply the attempts at the intellectual and scientific legitimization of racism and in particular the revival of the stereotypes against Africans;

31. *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;

32. *Reiterates* its concern about the plight of the Palestinian people under foreign occupations, urges respect for international human rights law and international humanitarian law, and calls for a just, comprehensive and lasting peace in the region;

33. *Reiterates further* the importance of the Office of the United Nations High Commissioner for Human Rights continuing to support those African States that are in the process of establishing national institutions by providing training and resources, and strongly advises African States that have not yet done so to consider establishing effective and independent national institutions for the promotion and protection of human rights;

34. *Recommends* that concerned States establish mechanisms whereby 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;

35. *Requests* the Human Rights Council to draw up guidelines on the collection of the disaggregated information referred to in paragraph 33 and urges the Office of the High Commissioner for Human Rights to provide support to the States that request it for the collection of such information;

36. *Recommends* that concerned States take measures to ensure that the disproportionately low levels of representation of people of African descent in the judiciary and other areas of the justice system be addressed, and calls upon States to identify factors that have resulted in the disproportionate number of arrests, sentencing and incarceration of people of African descent and migrants, particularly young men, and to take immediate and appropriate measures to eliminate those factors and to adopt crime-prevention strategies and programmes that include alternatives to incarceration;

37. *Recommends also* that States and international and regional organizations establish independent bodies, where they do not already exist, to receive complaints made by people of African descent and migrants of discrimination in access to housing, education, health, employment and other fundamental rights;

38. *Takes note* of the important role the United Nations and its relevant specialized agencies, such the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the World Health Organization and others, in helping States to enhance their capacity to implement the Durban Programme of Action, and invites the United Nations system and its relevant specialized agencies to exert maximum effort in providing targeted technical assistance and cooperation;

39. *Takes also note of* the important efforts, programmes and mechanisms initiated and / or promoted by the African Union falling within the scope of the Durban Declaration and Programme of Action, and calls upon the international community to provide added recognition, cooperation and assistance to such African initiatives;

40. *Recommends* that States guarantee universal and effective access to medications at affordable prices, particularly those required for the prevention and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate;

41. *Recommends also* that the United Nations create a fellowship programme for people of African descent;

42. *Draws attention* to the impact of counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial, ethnic, national and religious profiling;

43. *Reiterates* the importance of the recommendation made by the Five Independent Eminent Experts to follow up on the Implementation of the Durban Declaration and Programme of Action that a racial equality index be developed as a tool to assess more effectively discrimination that affects people of African descent and other vulnerable groups and to guide the adoption of policies to remedy their situation;

44. *Stresses* the need to assess the present situation and contribute to achieving racial equality, including through the collection and use of disaggregated statistics on various groups, the development of guidelines in that regard and the finalization of the racial equality index;

45. *Expresses* the view that States and other actors may require guidance and assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

46. *Emphasizes* the need for the United Nations system and its relevant specialized agencies to provide targeted technical cooperation to enhance the effective implementation of the Durban Programme of Action;

47. *Acknowledges* those States that have made formal apologies to the victims of colonialism and past historic injustices to achieve healing and reconciliation;

48. *Urges* States that have not done so to issue expeditiously formal apologies to the victims of colonialism and past historic injustices and to take all measures necessary to achieve healing and reconciliation;

II. Assessment of the effectiveness of existing Durban Declaration and Programme of Action follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance, in order to enhance them

49. *Acknowledges* the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms and stresses the importance of creating the necessary synergies between them;

50. *Takes note of* the determination of the United Nations High Commissioner for Human Rights, which was welcomed in General Assembly Resolution 61/149, to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and the intention to make this a cross-cutting issue in the activities and programmes of the Office of the High Commissioner on Human Rights and in this regard, urges the Office to translate the intention into reality;

51. *Urges* the Office of the High Commissioner on Human Rights and States at the national level to continue to raise awareness of and bring visibility to those mechanisms through campaigns and other special events;

52. *Calls upon* the Human Rights Council to grant those mechanisms increased competence in the area of follow-up, such as the power to submit additional requests for information on the implementation of recommendations and follow-up visits;

53. *Urges* the direct and explicit endorsement of the recommendations of the Durban Declaration and Programme of Action follow-up mechanisms in General Assembly and Human Rights Council resolutions thus giving those recommendations added political weight;
54. *Stresses* the importance of mainstreaming the output of the Durban Declaration and Programme of Action follow-up mechanisms throughout the United Nations system, in particular its specialized agencies, such as the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization;
55. *Stresses also* the importance of incorporating the relevant recommendations in complementary international standards to be developed in the area of racism, racial discrimination, xenophobia and related intolerance;
56. *Notes* the necessity of enhancing the participation of civil society organizations and of victims of racism in meetings of the Durban Declaration and Programme of Action follow-up mechanisms;
57. *Acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against People of African Descent and the Africans in Diaspora;
58. *Recommends* that a voluntary fund be created to facilitate the participation of civil society, including non-governmental organizations and national human rights institutions that represent people of African descent and migrants in meetings and activities of mechanisms for the follow-up to the Durban Declaration and Programme of Action;
59. *Reiterates* its request to the Human Rights Council for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to gather, request, receive and exchange information and communications with all relevant sources on issues and alleged violations falling within the purview of his or her mandate, and to investigate and make concrete recommendations with a view to eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;
60. *Urges* that the provisions of United Nations General Assembly resolutions 61/19 and 62/122 on the transatlantic slave trade be fully integrated into the mandates of the Durban Declaration and Programme of Action follow-up mechanisms;
61. *Recognizes* that a major accomplishment of the Durban World Conference against Racism was its profound analysis of the historical roots of modern racism emerging from the slave trade era with lasting consequences for large groups of people and its agreement on qualifying the slave trade as a crime against humanity, and regrets that no follow-up to those accomplishments has been undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;
62. *Requests* the Human Rights Council to organize a seminar or a panel discussion on all aspects of the Trans-Atlantic Slave Trade provisions of the Durban Declaration and Programme of Action and the General Assembly resolutions 61/19 and 62/122, taking into consideration African Union initiatives on this issue, and include its findings and recommendations in the Preparatory Process and the Durban Review Conference;

III. Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination

63. *Notes* with concern the refusal by some parties to cooperate or engage with the Durban Declaration and Programme of Action follow-up mechanisms, and the non-implementation of their recommendations and lack of acceptance of follow-up measures;

64. *Regrets* that the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination was not attained by the year 2005 in accordance with commitments under the Durban Declaration and Programme of Action, and encourages those States that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible;

65. *Regrets also* that some States have refrained so far from acceding to the Convention on the Protection of All Migrant Workers and their Families and reiterates its appeal to these States to do so as soon as possible

66. *Recommends* that States consider measures to strengthen implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order;

67. *Urges* States as a matter of priority seriously to consider withdrawing all reservations and interpretative statements that are incompatible with the object and purpose of the International Convention on the Elimination of All Forms of Racial Discrimination;

68. *Renews its call to* States to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications to enable victims to avail themselves of the remedy provided under article 14 of the Convention;

69. *Requests* those States Parties that have made the declaration under article 14 to increase awareness of the Convention among the people in their territories and to ensure that the procedural aspects are understood and adhered to;

70. *Recommends* granting the Committee on the Elimination of Racial Discrimination the competence to undertake field visits as well as to assume a role in assisting national mechanisms mandated to combat racism, racial discrimination, xenophobia and related intolerance;

71. *Emphasizes* strongly the need to enhance follow-up to the implementation of the recommendations of the Committee, including those pertaining to States' obligations in situations of armed conflict and territories falling under their effective control where protection provided by international law is at its weakest level;

72. *Recommends* that the Committee respond adequately in providing technical assistance to States Parties, upon their request, in relation to the interpretation of the scope of the Convention;

73. *Encourages* States to include in their periodic reports information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at the national level;

74. *Calls upon* States to disseminate the Durban Declaration and Programme of Action in an appropriate manner and provide the Committee with information on efforts made in that respect under the section of their periodic reports concerning article 7 of the Convention;

75. *Urges* States Parties to the Convention to comply with their reporting obligations under the Convention by presenting reports in a timely manner in conformity with the relevant guidelines adopted by the Committee in 2007;¹

76. *Emphasizes* the importance of setting up appropriate national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up the concluding observations and general recommendations of the Committee;

77. *Encourages* national human rights institutions to assist their respective States to comply with their reporting obligations, and to monitor closely the follow-up to the concluding observations and recommendations of the Committee;

¹ CERD/C/2007/1

78. *Urges* non-governmental organizations to continue to provide the Committee with relevant information in a timely manner in order to enhance its cooperation with them;

79. *Reiterates* its request to the Office of the High Commissioner for Human Rights to continue its efforts to increase awareness of the work of the Committee;

80. *Invites* relevant United Nations bodies to provide the Committee with adequate resources to enable it to discharge its mandate fully;

IV. Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance

81. *Recognizes* that a broad, global exchange of good practices in combating racism could serve as examples and assist States, the judiciary, social partners and civil society to implement more effectively the provisions of the Durban Declaration and Programme of Action and recommends the following best practices:

(a) *Elaborating* democratic and inclusive processes to overcome centuries-old racism and racial discrimination, including the establishment of national truth and reconciliation committees and schemes aimed at empowering the victims of such discrimination;

(b) *Issuing* formal apologies to victims of colonialism and other historic injustices as a means of achieving healing and reconciliation in societies and redressing the impact of such injustices;

(c) *Devising* legislation and policies that are specific to combating racism, racial discrimination, xenophobia and related intolerance at the national level, to complement the more general provisions enshrined in national constitutions;

(d) *Establishing* institutions at the national and regional levels to combat racism and monitor racist acts and phenomena;

(e) *Elaborating* specific laws on combating incitement to racial and religious hatred, in conformity with obligations under article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;

(f) *Issuing* laws on the protection of particularly vulnerable ethnic groups and, as required and on a non-selective basis, laws that seek to protect particular groups more susceptible, in certain contexts, to racism;

(g) *Establishing* institutions with the function of promoting tolerance and intercultural harmony through dialogue;

(h) *Introducing* educational curricula aimed at raising awareness of different cultures and civilizations with a fair and objective perspective and with the involvement of the concerned communities;

(i) *Commemorating* within the United Nations and beyond the plight of victims of colonialism and other historic injustices;

(j) *Incorporating* into domestic law obligations under the International Convention on the Elimination of All Forms of Racism;

(k) *Conducting* broad consultations at the national level in the implementation of the Durban Declaration and Programme of Action;

(l) *Recruiting* for various posts at all levels through affirmative action schemes;

(m) *Devising* special laws and policies for confronting the ideologies and practices of political groups advocating racist platforms;

(n) *Requesting* the Office of the High Commissioner for Human Rights to compile a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to people of African descent and migrants;

(o) *Requesting also* the Office of the High Commissioner for Human Rights, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and other relevant organizations to develop databases and to effectively disseminate good practices;

V. Further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the Durban Declaration and Programme of Action and to address challenges and impediments thereto, including in the light of developments since the adoption of the Declaration and Programme of Action in 2001

82. *Prohibiting* by law, and adopting the necessary policy measures to eliminate racial profiling and profiling based on any grounds of discrimination recognized under international human rights law, providing for sanctions for those who violate the law and ensuring effective redress for the victims;

83. *Protecting* the human rights of migrants whether regular or irregular;

84. *Countering* anti-immigration ideologies advocating the criminalization of irregular migration with a view to achieving relevant objectives under paragraph 30 of the Durban Programme of Action as well as other relevant international instruments;

85. *Replicating* the policy of a major destination State on the collection, compilation, analysis and publication of reliable statistical data on irregular migrants pursuant to paragraph 92 of the Durban Programme of Action so as to:

(a) assess by sector the gap between national labour demand and supply,

(b) promote the conclusion of bilateral and multilateral labour agreements to fill this gap and this to reduce, with a view to its ultimate elimination, irregular migration to destination States and the practice of human trafficking.

86. *Prohibiting* by law and adopting necessary policy measures to combat the dissemination of all ideas based upon racial superiority or hatred and incitement to hatred;

87. *Ensuring*, in relation to the two above-mentioned themes:

(a) That lawmakers in every country discharge their responsibilities in conformity with article 20 (2) of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, taking due account of General Comment 15 of the Committee on the Elimination of Racial Discrimination;

(b) That model legislation on this issue is elaborated through a joint exercise to be undertaken by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee;

(c) That permissible limitations on the exercise of the right to freedom of expression are elaborated and, where appropriate, incorporated into national legislation;

(d) That a voluntary ethical code of conduct is elaborated, in association with the International Federation for Journalists, to address racism in the media and other modern information and communication technologies while taking into account fundamental issues,

such as the right to freedom of expression, and to eliminate the projection and perpetuation through the media and new technologies of negative images and stereotypes of African people and people of African descent;

(e) Establishing the necessary complementarity and balance between human rights and fundamental freedoms with a view to fighting racism, racial discrimination, xenophobia and related intolerance;

88. *Urging* the Human Rights Council to address the denial of genocide, as recognized by the United Nations, as an attempt to undermine the recognition of genocide as a crime under international law;

89. *Combating* impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing redress for victims of those violations;

90. *Advocating* and mobilizing the political will of relevant actors at the national level for the elimination of racism, racial discrimination, xenophobia and related intolerance;

91. *Enhancing* the roles of cultural diversity and human rights education in promoting tolerance and preventing racism, racial discrimination, xenophobia and related intolerance;

92. *Sharing* best practices in the elimination of all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

93. *Establishing* national, regional and international bodies to monitor racist and xenophobic acts, including the Office of the High Commissioner for Human Rights observatory for racist incidents proposed by the Special Rapporteur on racism. Those bodies should also undertake a detection role in relation to potential conflict based on racism, racial discrimination, xenophobia and related intolerance;

94. *Collecting and analysing* empirical evidence necessary to the prevention and monitoring of racism, racial discrimination, xenophobia and related intolerance;

95. *Operationalizing* the recommendation of the Special Rapporteurs on racism and freedom of religion that the Human Rights Council invites member States to promote and practise dialogue between cultures, civilizations and religions as a profound way of combating racial and religious intolerance. To that end, the following approaches are suggested:

(a) Promotion of reciprocal knowledge between cultures, civilizations and religions, with a particular emphasis on value systems;

(b) Adoption of policies and programmes in the fields of education, social, economic and cultural life favouring interactions between communities;

(c) Recognition of the value of cultural and religious diversity associated with the promotion of unity within society;

(d) Creation of conditions that facilitate encounters, dialogue and joint action for social harmony, peace, human rights and development, and combat all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;

96. *Elaborating*, in each country where they do not exist, within the framework of national human rights programmes, targets and actions in the field of capacity-building and a programme of human rights education and identification of needs and shortcomings associated with international cooperation;

97. *Defining*, within the framework of national human rights programmes, targets and actions in compliance with the Universal Declaration of Human Rights, among other things, to eliminate discrimination of any kind, such as on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

98. *Devising* programmes and the creation of national institutions responsible for human rights issues in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles.

99. *Expressing* concern at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

100. *Inviting*, in this context, the Federation 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, requests the High Commissioner for Human Rights in her capacity as the Secretary-General of the Durban Review Conference to bring this invitation to the attention of the Federation and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

101. *Inviting* the High Commissioner for Human Rights to upgrade the Anti-Discrimination Unit of her office to better serve the mechanisms established for the follow-up and implementation of the Durban Declaration and Programme of Action and effectively interact with all partners, including civil society, in the global work against racism;

II. ORGANIZATION AND PROCEEDINGS OF THE REGIONAL PREPARATORY MEETING FOR AFRICA

1. The Regional Preparatory Meeting for Africa was held in Abudja, Nigeria from 24 to 26 August 2008, pursuant to the decision PC.1/11 of 31 August 2007 of the Preparatory Committee for the Durban Review Conference. The Regional Preparatory Meeting held 4 plenary meetings.

A. Opening ceremony

2. The Regional Preparatory Meeting for Africa was officially opened on 24 August 2008 by H.E. Mr. Alhaji Tijjani Kaura, Minister of State, Ministry of Foreign Affairs of Nigeria.

3. Mr. Bacre Ndiaye, Director of the Human Rights Procedures Division at the Office of the United Nations High Commissioner for Human Rights, delivered a statement on behalf of the High Commissioner for Human Rights.

4. Mr. Sidiki Coulibaly, United Nations Resident-Coordinator *ad interim* in Nigeria, also made a statement.

B. Attendance

5. The Regional Preparatory Meeting was attended by representatives of States members of the United Nations from the region, by representatives of specialized agencies, regional intergovernmental organizations, other entities, national human rights organizations and non-governmental organizations. For the list of attendance, see annex I to the present report.

C. Election of officers

6. At its second meeting, on 24 August 2008, the Regional Preparatory Meeting for Africa elected the following officers by acclamation:

Chairperson: Mr. Martin Ihoeghian Uhomobhi (Nigeria)

Vice-Chairpersons: Mr. Rachid Benlounes (Algeria)
Mr. Luvuyo Ndimeri (South Africa)

Vice-Chairperson-Rapporteur: Ms. Cissy Taliwaku (Uganda)

D. Adoption of the agenda and rules of procedure

7. At the second meeting, on 24 August 2008, the Regional Preparatory Meeting had before it the provisional agenda and annotations thereto prepared by the Secretary-General (A/CONF.211/PC/RPM/2/1) as well as the draft programme of work. The agenda and the programme of work were adopted without a vote. For the text, see annexes II and III.

8. At the same meeting, the Regional Preparatory Meeting adopted as its rules of procedure, insofar as applicable, the rules of procedure of the General Assembly, section XIII (A/520/Rev.16).

E. Organization of work and other matters

9. At the second meeting, on 24 August 2008, the Regional Preparatory Meeting considered the organization of its work.
10. The Regional Preparatory Meeting decided to establish two committees: a main committee (or plenary) and a drafting committee. The Main Committee would consider the four issues arising from the objectives of the Durban Review Conference. The Drafting Committee would undertake the elaboration of the draft outcome document of the Regional Preparatory Meeting and submit a report to the plenary.
11. At the same meeting, the Regional Preparatory Meeting elected Ms. Beulah Naidoo (South Africa) as Chairperson the Drafting Committee. The Drafting Committee held four meetings, from 24 to 26 August 2006.
12. At the same meeting, it was agreed that the list of speakers for all participants would be opened at the beginning of the session.
13. Also at the same meeting, the Regional Preparatory Meeting agreed that, following the practice of the Preparatory Committee, statements would be limited to five minutes for Member States and to three minutes for all observers.
14. For the list documents, see annex III.

F. Meetings of the plenary

15. At the second plenary meeting, on 24 August 2008, statements were made by the following States: South Africa, Egypt, Sudan, Morocco, Rwanda, Algeria, Côte d'Ivoire, Kenya, Nigeria, the Republic of Tanzania, Ghana and Guinea.
16. At the same meeting, Mr. Idriss Al-Jazzairi, Chairperson of the Ad-Hoc Committee on the Elaboration of Complementary Standards, addressed the plenary.
17. At the same meeting statements were made by the following national human rights institutions: South African Commission for Human Rights, National Council for Human Rights of Egypt and National Human Rights Commission of Togo.
18. Also at the same meeting, representatives of the following non-governmental organizations addressed the plenary: December 12th Movement International Secretariat, UN Watch, Handicap Formeduc, ISMUN, Pan-African and Jah People Cultural Embassy of Benin, Espace Afrique International, United Nations of Youth – Nigeria.
19. At the third plenary meeting, on 25 August 2008, presentations were made by Ms. Maya Sahdi (Algeria), member of the Working Group of Experts on People of African Descent, Mr. Githu Muigai (Kenya), Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Jorge Bustamante (Mexico), Special Rapporteur on the human rights of migrants, and Mr. Chris Maina Peter (United Republic of Tanzania), member of the Committee on the Elimination of Racial Discrimination.

20. A presentation was also made by Mr. Doudou Diène (Senegal), former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

21. During the interactive discussion that followed the presentations, the following States took the floor: Mali, Botswana, Sudan, United Republic of Tanzania and Lesotho. A statement was also made by the observer for the African Union. A statement was also made by the South African Commission on Human Rights. The following non-governmental organizations also participated in the discussion: Espace Afrique International, Okaproce International, Coalition for Justice and Accountability in Sierra Leone and Association Tin Hinan.

22. At the end of the meeting, the mandate holders and experts who made presentations replied to the comments made.

23. The fourth plenary meeting held on 26 August 2008 was dedicated to the consideration and adoption of the final document and of the report of the Regional Preparatory Meeting.

III. PRESENTATION OF THE REPORT OF THE DRAFTING COMMITTEE AND ADOPTION OF THE FINAL DOCUMENT

24. At the fourth plenary meeting held on 26 August 2008, the Chairperson of the Drafting Committee introduced the draft final document as elaborated by the Drafting Committee.

25. At the same meeting, the final document was adopted by the Regional Preparatory Meeting for Africa without a vote (For the text, see chapter I).

IV. ADOPTION OF THE REPORT OF THE REGIONAL PREPARATORY MEETING FOR AFRICA

26. At the fourth plenary meeting held on 26 August 2008, the Vice-Chairperson/Rapporteur introduced the draft report of the Regional Preparatory Meeting for Africa (A/CONF.211/PC/RPM/2/L.2).

27. At the same meeting, the Regional Preparatory Meeting for Africa adopted its report without a vote.

Annex I

List of Attendance

Member States:

Algeria, Angola, Botswana, Central African Republic, Côte d'Ivoire, Egypt, Eritrea, Ghana, Kenya, Lesotho, Mali, Morocco, Rwanda, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zimbabwe, African Union.

National human rights institutions:

National Council for Human Rights of Egypt, Human Rights Commission of Malawi, CNDHLF of Niger, Commission of Rwanda, Human Rights Commission of Senegal, Human Rights Commission of Sierra Leone, Human Rights Commission of South Africa, Commission for Human Rights and Good Governance of Tanzania, National Human Rights Commission of Togo, UHRC of Uganda, Human Rights Commission of Zambia, Network of African National Human Rights Institutions

United Nations departments, specialized agencies and regional commissions:

United Nations Development Programme Nigeria, United Nations Office in Nairobi, World Health Organization Nigeria, United Nations High Commissioner of Refugees Nigeria, Economical Commission of West African States.

Intergovernmental organizations and other entities:

African Union, International Committee for the Red Cross.

Non-governmental organizations:

Association Tin Hinan, Nouveaux Droits de l'homme, Mboro Social and Cultural Development Association, International Federation of Women Lawyers, African Canadian Legal Clinic, African Centre for Democracy and Human Rights Studies, Association Tidawt, Humanity Knight's Network, Equity Advocates, Women Awareness Campaign (IWAC), African Regional Commission of the International Youth and Student, Movement for the United Nations, Civil Liberties Organization, BAOBAB for Women's Human Rights, Borno Coalition for Democracy and Development (BOCODEP), Collectif des Liges et Association de Defense des Droits de l'Homme au Rwanda, Handicap Formeduc, World Jewish Congress, Lawyers for Human Rights, Afro-Swedish National Association, Action Internationale Pour La Paix Et Le Developpement Dans La Region Des Grands Lacs (Aipd-Gl), Espace Afrique International, Ocaproce International, Association of Uganda Women Medical Doctors, December Twelfth Movement International.

Annex II

Agenda

1. Opening of the Regional Preparatory Meeting.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work and other matters:
 - (a) Establishment of the Main Committee (plenary);
 - (b) Establishment of the Drafting Committee;
 - (c) Other matters.
5. Issues arising from the objectives of the Review Conference:
 - (a) To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;
 - (b) To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
 - (c) To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;
 - (d) To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.
6. Adoption of the final document.
7. Adoption of the report of the Regional Preparatory Meeting for Africa for the Durban Review Conference.

Annex III

Programme of work

REGIONAL CONFERENCE FOR AFRICA PREPARATORY TO THE DURBAN REVIEW CONFERENCE

24-26 August 2008 - Abuja, Nigeria

	<i>Sunday</i> 24 August 2008	<i>Monday</i> 25 August 2008	<i>Tuesday</i> 26 August 2008
Morning	<p><u>ITEM 1</u>: OPENING OF THE SESSION.</p> <p><u>ITEM 2</u>: ELECTION OF OFFICERS.</p> <p><u>ITEM 3</u>: ADOPTION OF THE AGENDA.</p> <p><u>Item 4</u>: Organization of work and other matters:</p> <p>(a) Establishment of the Main Committee (plenary);</p> <p>(b) Establishment of the Drafting Committee;</p> <p>(c) Other matters.</p>	<p><u>Item 5 (continued)</u>:</p> <p>(b) Assessment of the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them.</p> <p>(c) Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the</p>	<p>Finalization of the draft final document.</p> <p>Preparation of the draft report of the Regional Preparatory Meeting by the Secretariat.</p>
10.00 a.m. to 1.00 p.m.			

	<p><i>Sunday</i> 24 August 2008</p>	<p><i>Monday</i> 25 August 2008</p>	<p><i>Tuesday</i> 26 August 2008</p>
	<p><u>Item 5:</u> Issues arising from the objectives of the Review Conference:</p> <p>(a) Revision 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 assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identifying concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action.</p>	<p>recommendations of the Committee on the Elimination of Racial Discrimination.</p>	

	<p><i>Sunday</i> 24 August 2008</p>	<p><i>Monday</i> 25 August 2008</p>	<p><i>Tuesday</i> 26 August 2008</p>
<p>Afternoon 3.00 p.m. to 6.00 p.m.</p>	<p><u>Item 5 (continued)</u>: (a) Revision 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 assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identifying concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action.</p>	<p><u>Item 5 (continued)</u>: (d) Identification and sharing of good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.</p>	<p><u>Item 6</u>: Adoption of the final document. <u>Item 7</u>: Adoption of the report of the Regional Preparatory Meeting.</p>

Annex IV

LIST OF DOCUMENTS

List of documents issued for the African Regional Meeting

Provisional agenda and annotations thereto (A/CONF.211/PC/RPM/2/1)

Note by the Secretariat: Replies to the questionnaire by States of the African region (A/CONF.211/PC/RPM/2/2)

Note by the Secretariat containing the outcome document of the Regional Conference for Latin America and the Caribbean preparatory to the Durban Review Conference (A/CONF.211/PC/RPM/2/CRP.1)

Note by the Secretariat: Contributions submitted by the Special Rapporteurs (A/CONF.211/PC/RPM/2/CRP.2)

Preliminary document of the African Regional Conference Preparatory to the Durban Review Conference: Draft proposal submitted by South Africa (A/CONF.211/PC/RPM/2/L.1)

List of background and reference documents

Report of the Preparatory Committee for the Durban Review Conference on its organizational session (A/62/375)

Report of the Preparatory Committee for the Durban Review Conference on its first substantive session (A/63/112)

Contribution by the Committee on the Elimination of Racial Discrimination (CERD) (A/CONF.211/PC.2/CRP.5)

Compilation of conclusions and recommendations adopted by the Intergovernmental Working group on the Effective Implementation of the Durban Declaration and Programme of Action (A/CONF.211/PC.2/CRP.4)

Contribution by the Special Rapporteur on the right to education (A/CONF.211/PC.2/CRP.3)

Report of the Working Group of Experts on People of African Descent (A/HRC/7/36)

Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19)

Report by the Special Rapporteur on freedom of religion or belief (A/HRC/6/5)

General recommendation No.31 of the Committee on the Elimination of Racial Discrimination (CERD) (A/60/18, pp. 98-108).