

Durban Declaration and Programme of Action

Adoption: The Durban Declaration and Programme of Action was adopted by consensus on 8 September 2001 by the representatives of the states present at the end of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa. 163 States attended the conference but the USA and Israel walked out in reaction to the language in the declaration that initially accused Israel of racism. The United Nations General Assembly adopted the Durban Declaration and Programme of Action on 27 March 2002 following a recorded vote with 134 countries in favour, 2 against (Israel and the USA) and 2 abstentions (Australia and Canada).

Summary information

The Durban Declaration and Programme of Action was the main outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001. It addresses numerous manifestations of these scourges and then proposes concrete measures to overcome them.

The Declaration section focuses on:

- the sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;
- the victims of these scourges;
- measures of prevention, education and protection aimed at the eradication of these scourges at the national, regional and international levels;
- provision of effective remedies, recourse, redress, and compensatory and other measures at the national, regional and international levels; and
- strategies to achieve full and effective equality for all victims, including international cooperation to fight racism, racial discrimination, xenophobia and related intolerance.

The Programme of Action section represents a plan to translate the objectives specified in the Declaration section into concrete measures to combat these scourges.

It first identifies the major victims and sets out measures to promote and protect their human rights. Included are:

- Africans and people of African descent;
- indigenous peoples;
- migrants and refugees; and
- other victims including the Roma/Gypsies/Sinti/Travellers, people of Asian descent, minorities, women, children and people with disabilities.

The Programme of Action next focuses on measures to eradicate racism, racial discrimination, xenophobia and related intolerance through prevention, education and protection at the national, regional and international levels. Included are:

- measures to strengthen national programs aimed at eradicating poverty and reducing social exclusion that respond to the needs of victims;
- ratification or accession to all relevant international and regional legal instruments on human rights and non-discrimination;
- measures through national legislation and compliance with obligations under international instruments and enforcement of laws;
- measures to reinforce the effectiveness of independent national human rights institutions in conformity with the Paris Principles;
- policies and practices such as effective use of statistical information and efforts by the private sector and international financial institutions to promote the participation of victims in economic, cultural and social decision-making; and
- increased human rights education as well as cultural and educational programmes to ensure respect for the dignity and worth of all human beings.

Next, the Programme of Action looks at new information and communications, including the Internet, to combat racism, racial discrimination, xenophobia and related intolerance and to promote human rights and respect for cultural diversity.

Finally, the Programme of Action proposes an array of international initiatives, including:

- encouraging world organizations such as the UN the Department of Peacekeeping Operations, the WHO, the ILO and UNESCO to carry out programs to combat racism, racial discrimination, xenophobia and related intolerance;
- a call for new and additional financial support for programs to combat poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity particularly in developing countries;
- the need for a world-wide effort to counter anti-Semitism, anti-Arabism and Islamophobia and to prevent the emergence of movements based on racism and discriminatory ideas;
- support for enhanced regional and international cooperation;
- an active role for the Office of the High Commissioner for Human Rights; and
- the participation of a civil society, non-governmental organizations and youth in the struggle against racism, racial discrimination, xenophobia and related intolerance.

History

The Durban Declaration and Programme of Action was the main outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa from 31 August to 8 September 2001.

There were two previous conferences dedicated to combating racism and racial discrimination, in 1978 and 1983, both in Geneva Switzerland. The United Nations General Assembly had designated the period beginning on 10 December 1973 as the

Decade for Action to Combat Racism and Racial Discrimination and the conferences were held at the beginning and end of that decade. Both conferences focused strongly on ending apartheid in South Africa as well as isolating the racist regimes there and in Rhodesia (today Zimbabwe). There was also deep concern at both conferences about the plight of Palestinians in territories occupied by Israel and recognition of the need to protect the human rights of minorities, indigenous populations, women, children, immigrants and refugees fleeing apartheid and other forms of racial discrimination.

Following the second World Conference to Combat Racism and Racial Discrimination, in November 1983, the General Assembly proclaimed a Second Decade to Combat Racism and Racial Discrimination to begin 10 December 1983.

A Third Decade to Combat Racism and Racial Discrimination was proclaimed by the General Assembly in December 1993 following the *Vienna Declaration and Programme of Action* held earlier that year and which included a strong focus on racism. The Third Decade to Combat Racism and Racial Discrimination started in January 1994.

In 1997 the General Assembly called for third world conference on racism and racial discrimination, xenophobia and related intolerance, to be held no later than 2001. The two previous conferences, the *International Convention on the Elimination of All Forms of Racial Discrimination* of 1965 and the *Vienna Declaration and Programme of Action* of 1993 were all referenced in the decision to hold a third world conference.

Included among the main objectives of the conference would be:

- a review of progress made in the fight against racism, racial discrimination, xenophobia and related intolerance ... and a reappraisal of the obstacles to further progress in the field and ways to overcome them;
- consideration of the ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;
- formulation of concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance and to ensure that the UN has the financial resources to do so; and
- formulation of concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

The General Assembly requested that the Commission on Human Rights (replaced by the Human Rights Council in 2006) act as the preparatory committee for the conference and asked that "its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers." The General Assembly also requested that "Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on

contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General, and to participate actively in the conference.”

The preparatory process included two intergovernmental preparatory meetings in 2000 and 2001, both held in Geneva, as well regional intergovernmental meetings (Strasbourg, Santiago de Chile, Dakar and Tehran). In addition there were six regional expert seminars to discuss the issues of priority concern for that region. The expert seminars focused on “issues such as refugees and multi-ethnic states, remedies available to victims, protection of minorities, migrants and trafficking of persons, ethnic conflicts and economic and social measures for vulnerable groups.”

The provisional agenda that emerged included five themes:

- sources, cause, forms and contemporary manifestations of racism, racial discrimination and related intolerance;
- victims of racism, racial discrimination and related intolerance;
- measures of prevention, education and protection aimed at the eradication of racism, racial discrimination and related intolerance at the national, regional and international levels;
- provision for effective remedies, recourses, redress, and other measures at the national, regional and international levels; and
- strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia.

2,300 representatives from 163 countries, including 16 heads of State, 58 foreign ministers and 44 ministers participated in the World Conference and nearly 4,000 representatives of NGOs and over 1,100 media representatives were accredited.

The major achievement of the conference was the adoption of the Durban Declaration and Programme of Action by the representatives of the states present at the end of the conference.

Key Provisions

The Durban Declaration and Programme of Action is a very comprehensive document that addresses numerous manifestations of racism, racial discrimination, xenophobia and related intolerance and then proposes concrete measures to combat these scourges.

In the preamble, it is recognized that “despite the efforts of the international community, the principal objectives of the three Decades to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue ... to

be victims of racism, racial discrimination, xenophobia and related intolerance.” In addition, the document affirms that these scourges are “an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations.” It is also recognized that both national and international actions are required “to ensure the full enjoyment of all human rights, economic, social, cultural, civil and political ... and to improve the living conditions of men, women and children of all nations.”

Declaration

The Declaration declares “that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies” and it affirms that “a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community.”

It recognizes that “racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin”, and that victims may also suffer further discrimination based on “sex, language, religion, political or other opinion, social origin, property, birth or other status.”

The Declaration acknowledges that sources of racism, racial discrimination, xenophobia and related intolerance, including slavery, colonialism and apartheid, have particularly affected Africans and people of African descent, people of Asian descent, indigenous peoples and people of mixed ethnic or racial origins. It also acknowledges that poverty, underdevelopment, marginalization, social exclusion and economic disparities contribute to the persistence of racist attitudes and practices which in turn generate more poverty.

The Declaration also expresses concerns over manifestations and acts of racism, racial discrimination, xenophobia and related intolerance towards migrants, refugees, asylum-seekers and internally displaced persons. In addition, the Declaration underlines “the urgency of addressing the root causes of displacement and of finding durable solutions for refugees and displaced persons, in particular voluntary return in safety and dignity to the countries of origin, as well as resettlement in third countries and local integration.” Especially emphasized are the importance of “international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees” and of the application of the *Convention Relating to the Status of Refugees* (1951) and its Protocol (1967).

The Declaration acknowledges that “the history of humanity is replete with major atrocities as a result of gross violations of human rights and believe that lessons can be learned through remembering history to avert future tragedies” and states that “the Holocaust must never be forgotten.”

Deep concern is expressed with respect to religious intolerance in various parts of the world, limitations placed on the rights of adherents to practice their beliefs freely and violence directed towards them. There is also deep concern about “the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities.”

Specific concern is expressed about the plight of the Palestinian people under foreign occupation. The “inalienable right of the Palestinian people to self-determination is recognized as is their right “to the establishment of an independent State”. At the same time, it is recognized that all States in the region, including Israel have the right to security and all States are called upon “to support the peace process and bring it to an early conclusion.”

The protection of the human rights of ethnic, cultural, linguistic and religious minorities is affirmed. Manifestations of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers people are specifically referenced.

The Declaration recognizes the need “to develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights because of racism, racial discrimination, xenophobia and related intolerance.” Priority is also to be given to protect children and young people who are victims of racism, racial discrimination, xenophobia and related intolerance.

The Declaration affirms “the solemn commitment of all States to promote universal respect for, and observance and protection of, all human rights, economic, social, cultural, civil and political, including the right to development, as a fundamental factor in the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance.” It also recognizes that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance.”

While the Declaration recognizes the positive contribution that the exercise of the right of freedom of expression, particularly by the media and through new technologies including the Internet, can have to combat racism, racial discrimination, xenophobia and related intolerance, there is also deep concern over the use of the new technologies “to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, in particular, children and youth having access to this material could be negatively influenced by it.”

The Declaration recognizes the importance of education, especially human rights education, at all levels and ages, as a key factor in changing attitudes and behaviour

based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies”.

The Declaration reiterates the importance of both international cooperation in the fight against racism, racial discrimination, xenophobia and related intolerance and “implementation by States of international treaties and instruments that forbid these practices.” It also states that “remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity.”

The importance of independent national human rights institutions, which conform to the [Paris] Principles for the promotion and protection of human rights, is recognized in the fight against racism, racial discrimination, xenophobia and related intolerance. Also recognized is the importance of regional bodies, including regional associations of national human rights institutions, of parliaments, NGOs and civil society, particularly youth.

Programme of Action

The Programme of Action proposes a series of strong measures to combat racism, racial discrimination, xenophobia and related intolerance.

Victims of racism, racial discrimination, xenophobia and related intolerance

Responding to concerns expressed in the Declaration portion, the Programme of Action focuses initially on mechanisms to promote and protect the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, specifically Africans and people of African descent, indigenous peoples, migrants, refugees and other victims including the Roma/Gypsies/Sinti/Travellers, people of Asian descent and women.

Africans and People of African Descent

With respect to Africans and people of African descent, the Programme of Action urges States to, *inter alia*, facilitate their participation in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries and ensure their access to education and new technologies particularly for women and children. States are also urged to promote the full and accurate inclusion of their history and contributions in the education curriculum.

Financial and development institutions and the operational programmes and specialized agencies of the United Nations are urged to allocate sufficient funding to improving the situation of these people, with special attention to the needs of those in developing countries – especially for health systems, education, housing, electricity, drinking water and environmental control measures.

Indigenous Peoples

With respect to Indigenous Peoples, the Programme of Action urges States to, *inter alia*, honour and respect treaties and agreements made these peoples and, working in concert with them, promote and protect their human rights and fundamental freedoms through constitutional, administrative, legislative and judicial means and promote better knowledge of and respect for their cultures and heritage. States are also urged to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment and, in particular, to work with indigenous women and girls to develop programmes that promote their civil, political, economic, social and cultural rights.

Migrants and Refugees

With respect to migrants, States are urged, *inter alia*, to ensure the immigration laws are free of racial discrimination and in compliance with international human rights law and that migrants enjoy all human rights including those related to fair wages and social security, access to education, health care, social services and respect for their cultural identity. States must also ensure that “police and immigration authorities treat migrants in a dignified and non-discriminatory manner, in accordance with international standards”.

With respect to refugees, States are urged to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and provide them with protection and assistance. They are also to develop strategies to counter racism, racial discrimination, xenophobia and related intolerance that refugees may face and “take effective steps to protect refugee and internally displaced women and girls from violence, to investigate any such violations and to bring those responsible to justice.”

Other Victims

With respect to the Roma/Gypsies/Sinti/Travellers, States are requested to ensure that discrimination against them is eradicated so as to enable them to achieve equality and full enjoyment of all their human rights and that their children and youth, especially girls, are given equal access to education. States are also asked to “raise awareness about the racism, racial discrimination, xenophobia and related intolerance experienced by the Roma/Gypsies/Sinti/Travellers, and to promote knowledge and respect for their culture and history.”

With respect to people of Asian descent, States are urged to address the problems of racism, racial discrimination, xenophobia and related intolerance directed against these people and to “take all necessary measures to eliminate the barriers that such persons face in participating in economic, social, cultural and political life.”

With respect to women, States are urged to “involve women, especially women victims of racism, racial discrimination, xenophobia and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race and gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation.” They are also urged to ensure women have equal rights with men with respect to nationality.

States are also urged to protect persons belonging to national or ethnic, religious and linguistic minorities as well as persons with disabilities from racism, racial discrimination, xenophobia and related intolerance. States are also requested to protect children from racism, racial discrimination, xenophobia and related intolerance and to guarantee “the equal right of all children to the immediate registration of birth, in order to enable them to exercise their human rights and fundamental freedoms.”

States are urged to recognize that sexual violence when used as a weapon of war is a serious violation of international humanitarian law that may constitute a crime against humanity and/or a war crime and to “end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls, as well as to ensure that persons in authority who are responsible for such crimes ... are identified, investigated, prosecuted and punished.”

Eradication of Racism, Racial Discrimination, Xenophobia and Related Intolerance

The Programme of Action next focuses on measures to eradicate racism, racial discrimination, xenophobia and related intolerance through prevention, education and protection at the national, regional and international levels. States are asked to maintain a gender perspective in designing and developing such measures, “to ensure that they effectively target the distinct situations of women and men.”

States are urged to strengthen national programs, aimed at eradicating poverty and reducing social exclusion, that respond to the needs of victims of racism, racial discrimination, xenophobia and related intolerance and “to work to ensure that their political and legal systems reflect the multicultural diversity within their societies”. They are also urged to take measures through national legislation and compliance with their obligations under international instruments to eliminate “all forms of racially motivated discrimination and violence against women and girls” and all forms of trafficking in women and children. States are also asked to ensure that comprehensive programs are in place to help victims of trafficking and to strengthen training for law enforcement and immigration officials who deal with victims of such trafficking.

Further, States are urged to eliminate the practice of “racial profiling” by law enforcement officers and to “promote a high-quality and diverse police force free from racism, racial discrimination, xenophobia and related intolerance, and recruit actively all groups, including minorities, into public employment, including the police force and other

agencies within the criminal justice system (such as prosecutors).” They are also asked to prevent genetic research from being used to promote racism, racial discrimination, xenophobia and related intolerance.

Human Rights Law

The Programme of Action next urges States to ratify or accede to all relevant international and regional legal instruments on human rights and non-discrimination including *International Convention on the Elimination of All Forms of Racial Discrimination*, to comply with reporting requirements and to act on the “Concluding Observations” of the Committee on the Elimination of Racial Discrimination during periodic reviews. States that have not already done so are encouraged to become parties to a number of international agreements, including, *inter alia*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights* and Optional Protocols, the *Convention on the Prevention and Punishment of the Crime of Genocide*, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and the *Rome Statute of the International Criminal Court*.

States are called upon to adopt legislation implementing obligations “to prosecute and punish persons who have committed or ordered to be committed grave breaches of the Geneva Conventions.” In addition, they are urged to “adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, to take measures so that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent these crimes from going unpunished and to ensure the rule of law.”

They are also urged to “promote measures to deter the emergence of and to counter neo-fascist, violent nationalist ideologies which promote racial hatred and racial discrimination, as well as racist and xenophobic sentiments including measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport.”

States are also encouraged “to establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the [Paris] Principles” and “to provide them with adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena.”

Policies and Practices

States are urged to collect, analyze and publish reliable statistical data to regularly assess the situation of victims of racism, racial discrimination, xenophobia and related intolerance to use to support legislation and policies aimed at preventing and those

scourges. It is also recommended that States include statistical data in their periodic reports to UN human rights treaty bodies.

States are urged “to establish, on the basis of statistical information, national programmes, including affirmative or positive measures, to promote the access of individuals and groups of individuals who are or may be victims of racial discrimination to basic social services, including primary education, basic health care and adequate housing” and to eliminate disparities for them with respect to infant and maternal mortality rates, childhood immunizations, HIV/AIDS and various other diseases.

States, NGOs and the private sector are encouraged to support discrimination-free workplaces and to “foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital.” States are also urged “to avoid the negative effects of discriminatory practices, racism and xenophobia in employment and occupation by promoting the application and observance of international instruments and norms on workers’ rights.”

States are urged, individually and through international cooperation, “to enhance measures to fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status ... which might result from racism, racial discrimination, xenophobia and related intolerance.”

States as well as the private sector and international financial and development institutions, such as the World Bank and regional development banks, are encouraged to promote the participation of those who are “victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty alleviation strategies, development projects, and trade and market assistance programmes.”

States are urged to commit to access to free primary education for all children and to access to life-long learning for adults – “based on respect for human rights, diversity and tolerance, without discrimination of any kind.” They are also urged to “ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance.” States are also encouraged to increase human rights education as well as “cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, in order to ensure respect for the dignity and worth of all human beings and enhance mutual understanding among all cultures and civilizations.” These educational initiatives should be not only be developed for children and young adults but also for teachers, public officials and professionals, “including personnel in the administration of justice, particularly in law enforcement, correctional and security services, as well as among health-care, schools and migration authorities.”

Information and New Technologies

Attention is drawn to the potential of new information and communications, including the Internet, to combat racism, racial discrimination, xenophobia and related intolerance and promote human rights and respect for cultural diversity through rapid and wide-spread communication and the creation of educational and awareness-raising networks. At the same time, concern is raised at the use of new information and communications, including the Internet to disseminate ideas of racial superiority and incite racial hatred. States are urged to implement legal sanctions against these practices and to consider a coordinated international response.

States and the private sector are urged to promote voluntary ethical codes of conduct, by both the print and electronic media, aimed at combatting racism, racial discrimination, xenophobia and related intolerance, promoting respect, tolerance and understanding among all peoples and avoiding stereotyping “particularly the promotion of false images of migrants, including migrant workers, and refugees, in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history.”

International Initiatives

All actors on the international scene are urged “to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance.”

All States are urged to oppose “all forms of racism, to recognize the need to counter anti-Semitism, anti-Arabism and Islamophobia world-wide” and “to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities.” Specifically with respect to the Middle East, there is a call for “the end of violence and the swift resumption of negotiations, respect for international human rights and humanitarian law, respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom.”

World organizations including the UN the Department of Peacekeeping Operations, the World Health Organization, the International Labour Organization and UNESCO are all encouraged to carry out activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance. In addition, there is a call for new and additional financial support for programmes to combat poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity particularly in developing countries.

States should ensure that their national legislative framework expressly prohibits racial discrimination and provide effective judicial and other remedies or redress, including through the designation of national, independent, specialized bodies. States are also

urged to ensure that victims of racism, racial discrimination, xenophobia and related intolerance have full access to “information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance.

States should also ensure that they have “competent national bodies to investigate effectively allegations of racial discrimination and to give protection to complainants against intimidation or harassment.” They should also enact legislation “to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin, and to provide for the application of appropriate penalties against offenders and remedies, including adequate compensation, for the victims.”

The United Nations and its relevant specialized agencies are requested “to consider establishing an international centre for multiracial and multicultural studies and policy development” to systematically determine the “techniques, mechanisms, policies and programmes for reconciling conflicts based on factors related to race, colour, descent, language, religion, or national or ethnic origin and for developing harmonious multiracial and multicultural societies.” The United Nations General Assembly was also invited to consider to elaborate a comprehensive international convention “to protect and promote the rights and dignity of disabled people, including, especially, provisions that address the discriminatory practices and treatment affecting them.”

States are urged to adopt and implement social development policies with the goal of closing the gaps “in living conditions faced by victims of racism, racial discrimination, xenophobia and related intolerance, especially regarding the illiteracy rate, universal primary education, infant mortality, under-five child mortality, health, reproductive health care for all and access to safe drinking water” by 2015.

States are also encouraged to participate in regional dialogues on problems of migration and the protection of the human rights of migrant workers and refugees and combatting the racism, racial discrimination, xenophobia and related intolerance they may face.

States are called upon to “elaborate action plans in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on the measures undertaken in order to implement provisions of the present Declaration and the Programme of Action.”

The UN High Commissioner for Human Rights is requested, in cooperation with eminent experts from each region, to present an annual progress report on the implementation of the provisions in the Declaration and the Programme of Action to the Commission on Human Rights and to the General Assembly, “taking into account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission on Human Rights of the United Nations, international, regional and non-governmental organizations and national human rights institutions.”

The High Commissioner is also encouraged to “expand the appointment and designation of goodwill ambassadors in all countries of the world in order, *inter alia*, to promote respect for human rights and a culture of tolerance and to increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance.”

The UN Secretary General is requested to “conduct an evaluation of the results of the International Decade of the World’s Indigenous People (1995-2004) and make recommendations concerning how to mark the end of the Decade, including an appropriate follow-up” and States are asked to “ensure adequate funding for the establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues within the United Nations system.” In addition, States are requested “to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of indigenous peoples.”

Finally, States are encouraged to engage civil society, NGOs, the private sector and youth in efforts to fight racism, racial discrimination, xenophobia and related intolerance.

The Durban Declaration and Programme of Action was adopted by consensus on 8 September 2001 by the representatives of the states present at the end of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. 163 States attended the conference but the USA and Israel walked out in reaction to the language in the declaration that initially accused Israel of racism. The United Nations General Assembly adopted the Durban Declaration and Programme of Action on 27 March 2002 following a recorded vote with 134 countries in favour, 2 against (Israel and the USA) and 2 abstentions (Australia and Canada).

Canada’s Commitments and Responsibilities

Canada was among the countries adopting by consensus the Durban Declaration and Programme of Action at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance but subsequently abstained in the vote for adoption by the United Nations General Assembly.

International Monitoring and Implementation

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action was established by the Commission on Human Rights and approved by the Economic and Social Council in 2002. Its mandate is to:

- make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action; and

- prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

“The Intergovernmental Working Group is an open-ended working group, meaning that all United Nations Member and Observer States, inter-governmental organizations, non-governmental organizations with ECOSOC consultative status and non-governmental organizations that were accredited for the World Conference against Racism may attend public meetings of the Working Group.”

It first met in January 2003 and has met at least annually since then except for 2005. The most recent session was in October 2015 and included reports from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and from the UN Secretary-General. The latter report was prepared by the Office of the High Commissioner of Human Rights and included reports on human rights activities in 14 countries and 4 national human rights institutions.

Review conferences

A review conference was held in Geneva in 2009 to review progress and assess the implementation of the Durban Declaration and Programme of Action. It is sometimes referred to as Durban II.

The main objectives of the review conference were 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 assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance ... and identification of concrete measures and initiatives for combating and eliminating all manifestations of these phenomena;
- assess the effectiveness of the existing Durban follow-up mechanisms and other relevant UN mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
- 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; and
- identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.”

The conference was boycotted by Australia, Canada, Germany, Israel, Italy, the Netherlands, New Zealand, Poland, and the United States. It featured a widely condemned speech by Iranian President Mahmoud Ahmadinejad in which he described Israel as totally racist and accused western countries as using the Holocaust as a pretext for aggression against Palestinians.

In 2011, the General Assembly held a high-level meeting in New York to commemorate the 10th anniversary of the adoption of the Durban Declaration and Programme of Action. World leaders proclaimed their “strong determination to make the fight against racism, racial discrimination, xenophobia and related intolerance, and the protection of the victims thereof, a high priority for [their] countries.” The meeting is sometimes referred to as Durban III.

This meeting was boycotted by Australia, Austria, Bulgaria, Canada, the Czech Republic, France, Germany, Israel, Italy, the Netherlands, New Zealand, Poland, the United Kingdom and the United States.

References

[World Conference – Daily Highlights – 8 September 2001](#)

[General Assembly adoption of DDPA](#)

[Durban Declaration and Programme of Action](#)

[1978 Conference to Combat Racism and Racial Discrimination](#)

[1983 Conference to Combat Racism and Racial Discrimination](#)

[GA Resolution – Second decade to combat racism and racial discrimination](#)

[GA Resolution – Third decade to combat racism and racial discrimination](#)

[Convening of a new world conference on racism, racial discrimination, xenophobia and related intolerance](#)

[Preparatory process for world conference – press kit](#)

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