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HUMAN RIGHTS COUNCIL  
Seventh session  
Agenda item 9

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS  
OF INTOLERANCE, FOLLOW-UP TO AND IMPLEMENTATION OF THE  
DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Bolivia, Cuba, Egypt (on behalf of the Group of African States): draft resolution**

**7/... Mandate of the Special Rapporteur on contemporary forms of racism, racial  
discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Reaffirming* the relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in its resolution 2106 (XX) of 20 December 1965,

*Underlining* the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and emphasizing that this outcome constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Reaffirming* all the previous resolutions and decisions of the General Assembly, the ~~Human Rights Council~~ and the Commission on Human Rights **and the Human Rights Council** on the elimination of racism, racial discrimination, xenophobia and related intolerance,

*Expressing concern* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, **inter alia**, of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

*Stressing* the need for maintaining continued political will and momentum 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 this end,

*Emphasizing* the urgency, more than ever, 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 this issue so as to prevent the recurrence of such acts,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Welcomes* the work, ~~recommendations~~ and contributions of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including activities undertaken to date in raising awareness and highlighting the plight of the victims of racism, racial discrimination, xenophobia and related intolerance and its contemporary manifestations;

2. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a period of three years, to gather, request, receive and exchange information and communications with all relevant sources,

on all issues and alleged violations falling within the purview of his/her mandate, and to investigate and make concrete recommendations, **to be implemented at the national, regional and international levels**, with a view to **preventing and** eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, focusing, inter alia, on the following issues:

(a) Incidents of contemporary forms of racism and racial discrimination against Africans and people of African descent, Arabs, Asians and people of Asian descent, migrants, refugees, asylum-seekers, persons belonging to minorities and indigenous peoples, as well as other ~~groups~~ **victims** included in the Durban Declaration and Programme of Action;

(b) Situations where the persistent denial of individuals belonging to different racial and ethnic groups of their recognized human rights, as a result of racial discrimination, constitutes gross and systematic violations of human rights;

(c) The scourges of anti-Semitism, Christianophobia, Islamophobia **in various parts of the world**, and racial **racist** and violent movements based on racism and discriminatory ideas directed at ~~all religious communities, and contempt for religions and religious symbols~~ **Arab, African, Christian, Jewish, Muslim and other communities**;

(d) ~~The historic context~~ **Laws and policies glorifying all historic injustices** and factors fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance and underpinning the ~~inherent~~ **persistent and chronic** inequalities faced by racial groups in various societies;

(e) The phenomenon of xenophobia;

(f) Best practices in the elimination of all forms and manifestations of racism, racial dissemination, xenophobia and related intolerance;

**(f) Bis Follow-up to the implementation of all the relevant paragraphs of the DDPA, and the promotion of the establishment of national, regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance;**

(g) The role of ~~cultural diversity~~ and human rights education in promoting tolerance and the elimination of racism, racial discrimination, xenophobia and related intolerance;

**(g) Bis Respect for cultural diversity as a means to prevent racism, racial discrimination, xenophobia and related intolerance;**

**(h) Incitement to all forms of hatred, taking into account article 20, paragraph 2, of the International Covenant on Civil and Political Rights, and instances of racially motivated hate speech, including the dissemination of ideas of racial superiority or that incite racial hatred, taking into account article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 19 of the International Covenant on Civil and Political Rights, and general comment No. 15 of the Committee on Elimination of All Forms of Racial Discrimination which states that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;**

~~Incitement to national, racial and religious hatred, including through modern information and communication technologies, whether by the media, political parties and groups or individuals, taking into account article 20, paragraph 2, of the International Covenant on Civil and Political Rights;~~

~~(i) Instances where the abuse of the right to freedom of expression constitutes an act of racial discrimination, taking into account article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 19 (3) of the International Covenant on Civil and Political Rights, and that general comment No. 15 of the Committee on Elimination of All Forms of Racial Discrimination stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;~~

(j) The sharp increase in the number of political parties and movements, **organizations and groups**, which adopt xenophobic platforms and incite hatred, taking into account the incompatibility of democracy with racism;

~~(k) — Laws and policies glorifying or legitimizing historic injustices, including colonialism;~~

(l) The impact of **some** counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial, ~~ethnic,~~ national and religious profiling **and profiling on the basis of any grounds of discrimination prohibited by international human rights law ;**

(m) Institutional racism and racial discrimination, ~~and racism in the private sphere;~~

(n) The ~~adequacy~~ **efficiency** of the measures taken by Governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance;

(o) Impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing remedies for the victims of these violations;

3. *Requests* the Special Rapporteur, in the discharge of his/her mandate:

(a) To develop a regular dialogue and discuss areas of possible cooperation with Governments and all relevant actors concerning issues pertaining to his/her mandate, and to provide technical assistance or advisory services at the request of the concerned States;

(b) To play a role of advocacy and to engage in the mobilization of political will with all relevant actors in States for the elimination of racism, racial discrimination, xenophobia and related intolerance;

(c) To coordinate, as appropriate, with other relevant bodies and mechanisms of the United Nations;

(d) To integrate a gender perspective throughout the work of his/her mandate, ~~and~~ highlighting women's rights, as well as reporting on women and racism;

~~(e) — To continue his/her exchange of views and consultation, while avoiding unnecessary duplication, with the relevant mechanisms and treaty bodies within the United Nations system, in particular issues referred to in operative paragraphs 2 (e), (h) and (f bis), in order to further enhance their effectiveness and mutual cooperation;~~

**OP 3 Bis (e)** To continue his/her exchange of views and consultation, **while avoiding unnecessary duplication**, with the relevant mechanisms and treaty bodies within the United Nations system, **in particular issues referred to in operative paragraphs 2 (c), (h) and (f bis), in order to further enhance their effectiveness and mutual cooperation**

(f) To report regularly to the Council and the General Assembly;

4. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

5. *Urges* all Governments to **seriously consider responding promptly and** favourably to the requests of the Special Rapporteur to visit their countries, including follow-up visits;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate.

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