

- ~~61~~-72. Reaffirm that racism, racial discrimination, xenophobia and related intolerance need to be addressed both in times of peace and during armed conflict, and note that States and the international community should be especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;
- ~~62~~-73. Reiterate that freedom from discrimination on the ground of race is a fundamental principle of international humanitarian law and urge all parties to armed conflicts to abide scrupulously by the rules laid down in this body of law prohibiting adverse distinction;
- ~~63~~-74. Stress the need of raising global awareness about the repercussions, manifestations and consequences of all the racist practices of the occupying powers and any of their acts that stem from racist ideology;
75. [New text] Revanchism is one of the root causes of the contemporary forms of racism, racial discrimination, xenophobia and related intolerance.
76. [New text] Emphasizes the persistent need to address effectively all the manifestations of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice.

B. Victims of racism, racial discrimination, xenophobia and related intolerance

{General introduction recognizing the problem}

64. {former para. 67} [Acknowledges that all victims of racism, racial discrimination, xenophobia and related intolerance should receive the same attention, [the same treatment] and the same protection and that there should be no hierarchy among potential victims:]
- ~~64~~-65. [Acknowledging that discrimination is a phenomenon affecting various groups in our society, such as people of African or Asian descent, indigenous peoples, migrants, persons with disabilities, women, older people, refugees, stateless persons, internally displaced persons, children, young people, Gypsies, Roma and groups facing discrimination on the grounds of religion, sexual orientation, gender identity or expression, together with victims of aggravated or multiple discrimination and persons living with infectious and contagious diseases, among others:]
66. {former para. 13} [Express deep concern at the persistence of manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers [and migrants] and emphasize the urgent need to develop effective policies and implementation mechanisms for their full achievement of equality:]

{State measures}

- ~~65~~-67. Identifies the need for greater progress in the implementation of measures to facilitate access by victims of racism, racial discrimination, xenophobia and related intolerance to an administration of justice that ensures just and adequate reparation for any damage suffered, together with legal assistance in a form adapted to victims' special needs and vulnerability;

~~66.68.~~ 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; [suggested to move to section I. C.]

~~67.~~ Acknowledges that all victims should receive the same attention, the same treatment and the same protection and that there should be no hierarchy among potential victims;

~~68.69.~~ Re-emphasize the necessity for special measures or positive actions for the victims of racism, racial discrimination, xenophobia and related intolerance in order to promote their full integration into society. Those measures should include measures to achieve appropriate representation in educational institutions, housing, political parties, parliaments and employment, especially in the judiciary, police, army and other civil services, which in some cases might involve electoral reforms, land reforms and campaigns for equal participation; [suggested to move to section I. C.]

~~69.70.~~ [~~Taking note of~~ [Welcomes]/[Recalling the adoption of] resolution 61/295 of 13 September 2007, by which the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples;]

~~70.71.~~ Notes progress in the adoption of legal and administrative measures to promote, protect and ensure the exercise by indigenous peoples of their rights, and to ensure their exercise of such rights and fundamental freedoms on an equal footing, free of discrimination, and their full and free participation in all spheres of society, particularly in matters that affect or interest them; [suggested to move to section I. C.]

~~71.72.~~ Also urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to develop democratic institutions to make them more fully participatory and thereby avoid the marginalization and exclusion of, and discrimination against, specific sectors of society, studying the possibility of introducing, whenever possible, affirmative action quotas for the election of indigenous and female representatives, together with those of African descent, to parliaments; [suggested to move to section I. C.]

{People of African descent}

~~73.~~ {former para. 76} Identifies progress in programmes to foster racial equality [in favour of people of African [or Asian] descent], such as affirmative action programmes for access to higher education; [suggested to move to section I. C.]

~~74.~~ {former para. 77} Calls on States to take appropriate measures to discourage the dissemination of intellectual and pseudo-intellectual ideas profiling Africans and people of African [or Asian] descent as inferior to other races, as slavery and colonialism have originated in such misguided ideas; [suggested to move to section I. C.]

{Indigenous populations}

~~72.~~ Welcomes the adoption of the United Nations Declaration on the rights of indigenous peoples;

descent] have been victims of discrimination for centuries and affirms that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and stresses the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them;

~~74.76. [Underlines that the use of the term "indigenous peoples" should be understood in the context of the adoption of the United Nations Declaration on the rights of indigenous peoples;]~~

~~75.77. Welcoming the entry into force on 3 May 2008 of the United Nations Convention on the Rights of Persons with Disabilities as well as of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, [suggested to move into a preamble]~~

~~76. Identifies progress in programmes to foster racial equality in favour of people of African descent, such as affirmative action programmes for access to higher education;~~

~~77. 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;~~

{Women}

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

79. Acknowledges the need to make progress in including a gender focus in programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to tackle the phenomenon of multiple and aggravated discrimination against women;

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

81. Urges States to promote policies to ensure equal pay for equal work between men and women, together with equal pay for work of equal value;

82. The DPA recognizes that women can face multiple forms of discrimination and that racism, racial discrimination and xenophobia do not necessarily affect men and women in the same manner. Likewise, when reviewing, rationalizing and improving the mandate of the Special Rapporteur on violence against women, its causes and consequences, the Human Rights Council expressed deep concern that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of girls and some

groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation. Violence against women and girls, including sexual violence, motivated by racism or xenophobia is still ongoing. Since the adoption of the DDPA, credible allegations of racially motivated violence against women, including indigenous and migrant women, in different regions of the world are still received by the Special Rapporteur on violence against women.*

83. Expresses deep concern at the continuing reports of grave abuses and violence committed against migrant women and children (also nationals), including gender-based violence, in particular sexual violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labour practices and exploitative conditions of work;
84. Urges States to improve efforts to promote gender mainstreaming and to fight effectively gender discriminations;
85. Stresses the need to treat all forms of violence against women and children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialised assistance to victims, including medical and psychological assistance, as well as effective counselling;
86. Note with concern that instances of racism, racial discrimination, xenophobia and related intolerance lead to trade in and/or sexual exploitation of women and children especially girl child;

{Migrants}

87. Acknowledges the importance of national programmes for the integration, respect and enjoyment of migrants' human rights, together with their equal treatment;
88. Observes that issues of migration are extremely significant for the region and confirms its full commitment to complying with the Durban Declaration and Programme of Action on that subject, as a powerful affirmation of the need to uphold migrants' human rights while respecting the sovereignty of States to adopt legislation that they deem appropriate, and, with this in mind, expresses its deep concern at legislation recently passed or proposed by some countries or regional organizations that runs counter to the commitments made under human rights and migrants rights conventions established under the relevant United Nations legal instruments; in that regard, calls upon the relevant authorities to initiate comprehensive and broad-based dialogue on migration that makes it possible to identify common challenges and areas of cooperation that link the management of migration and the promotion of development;
89. 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;
90. Protecting the human rights of migrants whether regular or irregular;

- ~~91. 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;~~
- ~~92. Recognizes the need to strengthen efforts toward fighting against illegal migration and smuggling of migrants, which may lead to violence, discrimination, exploitation and abuse;~~
- 93.91. Urges States to promote and respect human rights for all, including for migrants whether they are in a legal or illegal situation;
- 94.92. Emphasize that States are not only under an obligation to ensure that legislation and policies are non-discriminatory, they are also under an obligation to protect migrants from racism, discrimination, xenophobia and related intolerance;
- 95.93. Recommend that further attention be given to the particular problems faced by women and children belonging to immigrant communities;
94. Renew the call on all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent;

{Trafficking}

- 96.95. Urges States to pass and implement legislation to combat trafficking in persons, particularly women and children, including people of African descent, indigenous peoples and other vulnerable groups, together with trafficking in migrants, taking into account the practices that endanger human lives or cause various forms of slavery and exploitation, such as debt bondage, child pornography and sexual and labour exploitation, and urges States to bring into force and strengthen their national plans to combat trafficking offences and to earmark financial and human resources to ensure that the law is upheld, along with the protection of victims and the restitution of their rights, and also bolster bilateral, regional and international cooperation, particularly with the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and with non-governmental organizations that provide assistance to victims;
- ~~97.96. The Commission on Human Rights decided in 2004 to appoint a Special Rapporteur on trafficking in persons, especially women and children to focus on the human rights aspects of the victims of trafficking in persons. In performing her functions, the Special Rapporteur has referred to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR in 2002 to Recognizes the need to provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and with a view to facilitating the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions.~~
- 98.97. Recognizes that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons;

99-98. Notes with appreciation the efforts of States and organisations in preventing and combating trafficking in persons and in enhancing the protection of and assistance to victims of trafficking in persons, for instance the development of action plans on best practices, standards and procedures for combating and preventing trafficking in human beings;

~~100-99.~~ Urges States to take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialised sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including to strengthen existing legislation or to consider the adoption/enactment of anti-trafficking legislation and the adoption of national plans of action with a view, among other things to providing better protection for victims of trafficking and to punishing perpetrators through criminal and civil measures;

~~101-100.~~ Reaffirm the need to continue preventing, combating and eliminating all forms of trafficking in persons, in particular women and children, since victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance;

~~102.~~ Acknowledging the suffering caused by colonialism and affirming that, wherever and whenever it occurred, it must be condemned and its recurrence prevented.

~~103.~~ Acknowledges those States that have made formal apologies to the victims of colonialism and past historic injustices to achieve healing and reconciliation;

~~104-101.~~ 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;

~~105.~~ Recognize the individuals, groups and nations affected by policies and practices, such as colonialism, slavery and ethnic cleansing, that are based on theories of racial or national superiority, hatred and distinction as to race, colour, descent or national or ethnic origin as well as culture, religion and language as victims of racism, racial discrimination, xenophobia and related intolerance;

~~106.~~ Recognizing the enduring and tragic impact of the slave trade, which is a crime against humanity, particularly the African people and its successive generations.

~~107.~~ Recognizes that victims of slavery and slavery-like practices are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel slavery and slavery-like practices;

{Slavery and slave trade}

~~108-102:~~ Deplores the lack of willingness of certain countries to adopt measures to end enslavement and slavery-like practices, including contemporary forms of slavery, debt bondage, slavery, sexual exploitation or labour exploitation, which constitute flagrant violations of human rights;

slavery and slave trade, in particular the transatlantic slave trade, and the abolition of those tragedies, and stresses the need to similarly address the trans Saharan slave trade and the slave trade in the Indian ocean;

{Minorities}

- 440.104. 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;
- 441.105. Affirms that the identity to persons belonging to national or ethnic, religious and linguistic minority must be protected and that such persons should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind, including discrimination based on work and descent;
- 442.106. Expresses concern with human rights violations against Christians and members of other religious minorities in various parts of the world;
- 443.107. Notes many efforts developed to organise frequent consultation of the representative bodies of persons belonging to minorities;

{Foreign occupation}

- 444.108. 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;
- 445.109. ~~Although 7 years have passed since the adoption of DDPA~~ *Notes that* the Palestinian people continue to be denied the fundamental right of self determination. In order to consolidate the occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction on movement and arbitrary closure of their territories. Illegal settlements continue to be built in the occupied territories. The Review Conference must look into the human rights situation and urge member states to implement the provisions of DDPA with a view to bring lasting peace in the Middle East.
- 446.110. Express deep concern at the plight of Palestinian refugees and displaced persons who were forced to leave their homes because of war and racial policies of the occupying power and who are prevented from returning to their homes and properties because of a racially based law of return, and recognize the right of return of the Palestinian refugees as established by the General Assembly in its resolutions, particularly resolution 194 (III) of 11 December 1948, and call for their return to their homeland in accordance with and in implementation of this right;
- 447.111. Re-emphasize the responsibility of the international community to provide international protection for the Palestinian people under occupation against aggression, acts of racism, intimidation and denial of fundamental human rights, including the rights to life, liberty and self-determination;

{Children}

~~118.~~112. The Committee on the Rights of the Child issued general comments on: the rights of children with disabilities; the treatment of unaccompanied and separated children outside the country of origin; HIV/AIDS and the rights of children. Furthermore, the general comment on general measures of implementation focuses inter alia on non-discrimination. The Secretary-General Study on Violence against Children presented to the GA in 2006 highlighted how, although all children are exposed to violence, some children, because of gender, race, ethnic origin, disability or social status, are particularly vulnerable. The need to address discrimination in all its manifestations is addressed in the different recommendations contained in the Study. In its dialogue with States parties from all regions, the Committee has identified, and noted with appreciation, the existence of good practices and positive initiatives, including legislation aimed at prohibiting discrimination against children belonging to marginalized groups, including children with disabilities, children infected or affected by HIV/AIDS, indigenous children and children belonging to national, ethnic, religious and linguistic minorities.*

~~119.~~ Renew the call on all States to review and, where necessary, revise any immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants, including Asians and people of Asian descent;

{Refugees, asylum seekers and IDPs}

~~120.~~113. Recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers and internally displaced persons, among others, continue;

~~121.~~114. Reiterate that the international response and policy, including financial assistance, towards refugee situations in different parts of the world should not be guided by considerations of race, colour, descent, or national or ethnic origin as well as on the grounds of culture, religion and language of the refugees concerned and, in this context, urge the international community to extend assistance as requested by concerned States towards resolving the refugees' situation, especially in the developing countries, through economic and financial assistance aimed at, inter alia, removing the root causes of the displacement of such people;

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

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

122. Stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion,