



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/18
20 March 2006

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 6 (a) of the provisional agenda

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS
OF DISCRIMINATION: COMPREHENSIVE IMPLEMENTATION
OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND
PROGRAMME OF ACTION**

**Report of the Intergovernmental Working Group on the effective
implementation of the Durban Declaration and Programme of
Action on its fourth session***

Chairperson-Rapporteur: Juan Martabit (Chile)

* The annexes are reproduced in the language of submission only.

Summary

The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action (the Working Group) held its fourth session in Geneva from 16 to 27 January 2006.

During the first week of the session, a high-level seminar on racism and the Internet and on complementary international standards for combating racism was convened by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as requested by the Commission on Human Rights in its resolution 2005/64. The second week of the session was devoted to a thematic analysis of racism and globalization. Various panellists, including ministers, high-ranking government officials, consultants and experts made presentations on the themes examined during the session.

The part of the seminar on racism and the Internet triggered discussions on the use of the Internet to disseminate racist content and promoting racial hatred and violence. While this problem has generated various responses from a variety of actors, including Governments, the fight against the dissemination of hate speech and racist materials on the Internet faces a number of legal, regulatory, technical, financial and practical challenges. Although the Internet itself can serve effectively as a tool to combat racism, the debates revealed that in combating racist Internet content no one approach can be entirely effective. The Working Group concluded that a combination of measures in the form of self-regulatory initiatives combined with education about racist content on the Internet and the fostering of tolerance could be the most effective way to alleviate the problem.

The part of the seminar on complementary international standards was devoted to the implementation of existing international instruments, as well as ways to enhance their effectiveness in the fight against racism, racial discrimination, xenophobia and related intolerance; the identification of gaps in international human rights law with a view to preparing complementary standards to address them; and outlining the format of complementary standards to strengthen and update existing instruments.

The Working Group stressed the importance for States to take all adequate steps to strengthen the implementation of international human rights instruments dealing with racism, racial discrimination, xenophobia and related intolerance and in particular those contained in the International Convention on the Elimination of All Forms of Racial Discrimination. Several strategies for the strengthening of implementation were identified. Regarding procedural gaps, the Working Group recommends that the Committee on the Elimination of Racial Discrimination conduct a further study on possible measures to strengthen implementation through the update of its monitoring procedures. Furthermore, OHCHR is to select a group of five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance.

Under the thematic analysis of racism and globalization, the Working Group highlighted that effort must be deployed by all stakeholders to ensure that cultural diversity is protected in the current process of globalization. The Working Group also recognized the role of education

and in particular human rights education in combating racism in a globalized world. The migration dimension of globalization was debated and the Working Group highlighted the importance of consultations at the multilateral level to help identify appropriate ways and means to maximize the benefits of migration and minimize its negative impacts. The Working Group reaffirms the importance of ensuring the promotion and protection of the human rights of migrants and identified a number of measures in this regard.

The Working Group adopted by consensus several recommendations on each of the themes discussed during the session.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	5
I. ORGANIZATION OF THE SESSION	2 - 11	5
A. Attendance	4 - 7	5
B. Opening of the session	8	6
C. Election of the Chairperson-Rapporteur	9	6
D. Adoption of the agenda	10	6
E. Organization of work	11	6
II. GENERAL STATEMENTS	12 - 16	6
III. HIGH-LEVEL SEMINAR	17 - 85	7
A. Racism and the Internet	17 - 48	7
B. Complementary international standards	49 - 85	12
IV. THEMATIC ANALYSIS: RACISM AND GLOBALIZATION	86 - 96	17
V. FOLLOW-UP TO THE RECOMMENDATIONS OF THE THIRD SESSION AND RECOMMENDATIONS FOR FUTURE WORK	97 - 101	19
VI. CONCLUSIONS AND RECOMMENDATIONS	102 - 112	20
VII. ADOPTION OF THE REPORT	113	27

Annexes

I. List of attendance	28
II. Agenda	30
III. List of documents prepared for the Working Group	31

Introduction

1. The present report is submitted by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action (the Working Group) in accordance with Commission on Human Rights resolution 2005/64. While the recommendations included in section VI were adopted by consensus by the Working Group, the other sections of the present report are the sole responsibility of the Chairperson-Rapporteur.

I. ORGANIZATION OF THE SESSION

2. The Working Group on the effective implementation of the Durban Declaration and Programme of Action held its fourth session in Geneva from 16 to 27 January 2006. The Working Group held a total of 18 meetings.

3. In its resolution 2005/64 the Commission on Human Rights requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene a high-level seminar on racism and the Internet and on complementary international standards for combating racism, within the fourth session of the Working Group. The seminar took place from 16 to 20 January 2006. The second week of the session dealt with the thematic analysis of racism and globalization. The programme of work of the fourth session is contained in document E/CN.4/2006/WG.21/4.

A. Attendance

4. The session was attended by representatives of States Members of the United Nations, non-Member States, specialized agencies, treaty bodies, special procedures of the Commission on Human Rights, intergovernmental organizations and non-governmental organizations. (For the list of attendance, see annex I.)

5. Presentations were made by ministers, high-ranking Government officials, consultants and expert panellists. During the high-level seminar session on racism and the Internet, presentations were made by the following persons: Matilde Ribeiro, Special Secretary of Policies for Racial Equality of Brazil; Edda Mukabagwiza, Minister of Justice for Rwanda; Yaman Akdeniz (Turkey), Senior Lecturer in Law, University of Leeds, United Kingdom of Great Britain and Northern Ireland; Mohammad Ali Saif (Pakistan), Professor, Islamic University of Islamabad; Juan Rada (Chile), Senior Vice-President, Oracle Applications and Industries, responsible for Europe, the Middle East and Africa; Michael Rotert (Germany), President, Pan-European Association of Internet Services Providers Associations (EuroISPA); and Meryem Marzouki (France), President of Imaginons un réseau Internet Solidaire, a non-governmental organization (NGO) and senior researcher with the French National Public Research Centre.

6. During the session on complementary international standards, presentations were made by the following persons: Edda Mukabagwiza, Justice Minister of Rwanda; Luiz Fernando Martins da Silva, Ombudsman of the Special Secretary on Policies for Racial Equality of Brazil; Tshepo Madlingozi (South Africa), Lecturer in Law, University of Pretoria; Raghavan Vasudevan Pillai (India), member, Committee on the Elimination of Racial Discrimination (CERD); Patricia January-Bardill (South Africa), member, CERD; Gudmundur Eiriksson

(Iceland), Director, Department of International Law and Human Rights, University for Peace, Costa Rica; Ariel Dulitzky (Argentina), Principal Specialist, Executive Secretariat of the Inter-American Commission on Human Rights of the Organization of American States (OAS) and Adviser to the Special Rapporteur on the rights of persons of African descent and against racial discrimination; Elchin Amirbayov (Azerbaijan), Permanent Representative of Azerbaijan in Geneva.

7. The thematic analysis on racism and globalization benefited from presentations by José Bengoa (Chile), Member of the Sub-Commission on the Promotion and Protection of Human Rights; Shadrack Gutto (South Africa), professor, Centre for Applied Legal Studies Johannesburg, University of South Africa; Patrick Taran (United States of America), senior migration specialist, International Migration Branch, International Labour Organization; Doudou Diène (Senegal), United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Martin Khor (Malaysia), Director of the Third World Network and Honorary Secretary of the Consumers' Association of Penang, Malaysia; Ibrahim Salama (Egypt), Permanent Representative of Egypt in Portugal and Chairman of the Working Group on the Right to Development of the Commission on Human Rights.

B. Opening of the session

8. The United Nations High Commissioner for Human Rights, Louise Arbour, opened the session.

C. Election of the Chairperson-Rapporteur

9. Also at the first meeting, Juan Martabit (Chile) was re-elected Chairperson-Rapporteur by acclamation.

D. Adoption of the agenda

10. Also at the first meeting, the Working Group adopted the agenda for its fourth session (E/CN.4/2006/WG.21/1) (annex II).

E. Organization of work

11. The Working Group approved its programme of work as contained in document E/CN.4/2006/WG.21/4.

II. GENERAL STATEMENTS

12. Representatives of individual States and States speaking on behalf of regional groups of States took the floor in the general debate on agenda item 7. Delegates emphasized the importance of implementing the Durban Declaration and Programme of Action in a timely manner, and expressed their commitment to fight against racism, racial discrimination, xenophobia and related intolerance. Delegates highlighted the importance of having a high-level seminar to discuss issues of racism and the Internet as well as international complementary standards, and welcomed the participation of distinguished officials and experts in the seminar.

Others highlighted the usefulness of the thematic analysis undertaken by the Working Group in its past sessions and looked forward to having an active discussion on “racism and globalization”. The importance of coordinating the work among the three mechanisms, namely the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the independent eminent experts’ group, was underscored.

13. Some delegates referred to the measures undertaken at the national level to combat racism and racial discrimination. Anti-discrimination legislation is being elaborated, has been adopted or is being implemented in several countries. Delegates also mentioned the work undertaken by national institutions in their countries to tackle racism and racial discrimination. In this regard, States encouraged OHCHR to strengthen its activities in supporting national initiatives to combat racism. Reference was also made to the work being carried out at the regional level, including the elaboration of a regional instrument in the Americas to fight contemporary forms of racism. Delegates also stressed that international cooperation is a key to an effective implementation of the Durban Declaration and the Programme of Action.

14. Several delegates stressed political will on the part of Governments as being of utmost importance in combating racial discrimination. States are encouraged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. Some delegates pointed out the need to identify gaps in the existing conventions and to elaborate additional instruments to tackle contemporary forms of racism. Others stressed the specific needs of vulnerable groups and victims of discrimination.

15. One delegate made a reference to genocide as a consequence of racism and encouraged the Working Group to discuss why racism persists in many parts of the world.

16. All delegates wished for a constructive and interactive fourth session and looked forward to the consensual adoption of clear and concrete recommendations.

III. HIGH-LEVEL SEMINAR

A. Racism and the Internet

17. The Working Group began its high-level seminar with the segment on racism and the Internet. Yaman Akdeniz made a presentation that took stock of efforts to combat racism on the Internet. The advancement of communication technologies such as the Internet has also led to the widespread dissemination of racist content, promoting racial hatred, racial violence, anti-Semitism and xenophobia around the world. This problem has prompted vigorous responses, including legal and policy initiatives from a variety of actors, including Governments, supranational and international organizations as well as from the private sector.

18. Yaman Akdeniz explained that in the fight against racist Internet content, no one approach promises to be entirely effective. Due to the global and decentralized nature of the Internet, government regulation and even prosecutions have limited effect and application, especially if the racist content is transmitted from outside the jurisdiction in which it is considered illegal. Ultimately, relying on additional measures in the form of self- and co-regulatory initiatives may be one of the best options. The success of these measures will

depend upon substantial improvement of existing systems, including the development of codes of conduct. Consistent with recommendation 141 of the Durban Programme of Action, education about racist content on the Internet and how to foster tolerance is arguably the single most effective way of combating racist content.

19. The Minister of Justice of Rwanda Edda Mukabagwiza pointed out that racism manifests itself increasingly in complex forms and dimensions while taking advantage of the Internet. This development poses new challenges, especially with regard to juridical competencies and law enforcement. She also stressed that despite the importance attached to protecting the right to freedom of expression, national criminal law can and should intervene when society disapproves of certain Internet public content.

20. The Minister of the Special Secretariat for the Promotion of Racial Equality (SEPPIR) of Brazil, Matilde Ribeiro, presented her country's wide-ranging policies to promote racial equality. She recalled that in 2003, the Government of Brazil established her Office, SEPPIR, which focuses on people of African descent and other vulnerable groups. She stated that the closing of the digital divide and the ethical use of the Internet to promote and protect human rights is forcefully promoted by the Government. In this regard, Brazil is in the process of adopting relevant measures at the governmental level, with civil society participation.

21. In his presentation, Mohammad Ali Saif explained that it is not always easy for developing countries to counter criminal activities on the Internet as: (a) they may not have the necessary technical capabilities to control the content of certain sites and/or the cost implications of such control might be too high; (b) they may lack the regulatory capacity and mechanisms; and (c) there is no long-term strategy promoting tolerance nor any form of synergy of efforts at the national and international levels. He also stated that civil society organizations should contribute to educating society at large on the unacceptability of hate speech and racist propaganda.

22. Juan Rada equated the start of Internet browsing in 1995 with the invention of the printing press. While the Internet is only 11 years old, we are already moving to "Web II" which is characterized by major technological changes such as multi-core electronic devices, broadband, Wireless Fidelity and multi-source systems. This will lead to an explosion of certain characteristics of the Internet, especially in the field of Internet service providers (ISPs) protocol for voice and multimedia. The links between the user and the content/system will change, as will the commercial models. The computer divide will be between those who have access to broadband and those who will only have narrowband. The digitalization of the digital spectrum will also lead to a proliferation of systems. All these technological developments imply that it will become less possible to promptly find technological solutions to track racism on the Internet. To develop adequate and fast legislation will be complex, time-consuming and will run behind the technological changes. The solution therefore lies in the role of education for tolerance.

23. Michael Rotert highlighted the role of ISPs, especially in Europe, in combating racism on the Internet. ISPs are technical in nature and often not competent to judge whether material on the Internet is illegal. It is even more difficult to judge whether content is harmful. End-user empowerment and education might be more effective in dealing with this issue. ISPs do

whatever they can to secure a safer Internet. New developments, however, such as voice-over Internet, closed user groups and other peer-to-peer connections make it harder for them to intervene. The following are actions that could be taken to help combat racism on the Internet: (a) involve ISPs in possible courses of action from the start; (b) request software industry to develop intelligent software in the area of monitoring and filtering; (c) focus on search engines as they are access points for most Internet users worldwide; and (d) push for co- and self-regulation with better mechanisms and sanctions.

24. Meryem Marzouki stated that the current movement towards Internet self-regulation may lead to possible violations of a range of human rights and freedom. In her view, the legislative and regulatory trend to promote self-regulation weakens the role of the judiciary, while enhancing the interests of private parties. As self-regulation or co-regulatory measures allow private sector actors to remove or block content without any court decision, Meryem Marzouki argued that such action may cause indiscriminate private censorship. She recommended that ISPs help in enforcing court decisions but not decide on which content should be removed from, or blocked on, the Internet.

25. In the discussion that followed the presentations by panellists, many participants expressed concern regarding the use of new information technologies, in particular the Internet and the new methods of spreading racist propaganda contrary to the basic principles of equality and non-discrimination. Hate speech can entrench racial stereotypes, racist and xenophobic attitudes and, as witnessed in many parts of the world, such messages can become a significant factor in the propagation of crimes against humanity and genocide. At the same time, delegates agreed on the importance of appropriately guaranteeing the right to freedom of expression.

26. Several participants shared the idea that legally enforceable measures at the national and international levels are needed to counter incitement to racial hatred through the Internet. Some participants referred to the technical difficulties of filtering sites and the relatively small portion of cyberspace occupied by problematic websites, such as those inciting to racism and hatred.

27. Several delegates expressed support for putting into place adequate educational programmes to tackle hate speech, including the development of critical thinking skills for children. Participants also recognized the positive role of the Internet in promoting human development and fostering a culture of tolerance, as well as its contribution to the fight against racism.

Conclusions of the Chair

28. Participants emphasized the special characteristics of the Internet as a new and rapidly evolving form of communication. Among others, they pointed out the transnational character of the networks that support it; the variety of stakeholders/participants; its transborder impact; its increased capacity to transmit information; its extraordinary potential to boost freedom of expression; the substantial changes in the relations among users that are being caused by the high speed and wide scope of the technological changes; and the potential of any user becoming a content provider.

29. As a consequence, the fight against the dissemination of hate speech and racist materials on the Internet faces a number of legal, regulatory, technical, financial and practical challenges.

This calls for multiple strategies in many areas, at different levels, with different time frames. These approaches need to be flexible, consider the dynamics of this particular media and, at the same time, remain sensitive to national contexts.

30. All participants agreed that in the fight against racist Internet content no single approach promises to be entirely effective and that education about racist content on the Internet and ways of fostering tolerance is one of the most effective ways of combating this scourge. The World Programme for Human Rights Education could be an effective tool in this regard.

31. Although important elements for a coordinated strategy in this regard are contained in the relevant provisions of the Durban Declaration and Programme of Action, the limited amount of information provided by States does not allow for an assessment of progress made so far. In this regard, there is need for States to report to OHCHR and for OHCHR to develop a database which would compile good practices, national legislation and other regulatory and non-regulatory undertakings, including case law in the fight against racism on the Internet.

32. A number of participants agreed on the need to find a balance between the right to freedom of expression and opinion and the fight against racism on the Internet. Taking into account general recommendation XV (1993) on article 4 of the Convention¹ and article 20 of the International Covenant on Civil and Political Rights,² some participants considered, however, that it was necessary to clarify further the relationship between freedom of expression and its limits in regard to the need to combat the dissemination of hate speech and racist materials. One possible action in this regard could be to request CERD and/or the Human Rights Committee to give further consideration to this issue. Another option is the current practice of some States where decisions in this regard are made by the national courts or judiciary system.

33. Some participants were of the view that the dissemination of racist materials on the Internet is not substantially different from the dissemination of similar messages through other forms of mass media. They reaffirmed the opinion of CERD that “Article 4 (a) of the Convention, which provides that States parties should declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of incitement to such acts, covers such dissemination and acts of incitement through the [I]nternet” (E/CN.4/2004/WG.21/10/Add.1, para. 72).

34. Some participants suggested, however, that there was need to clarify the matter further through a new general recommendation of CERD devoted to the issue of racism on the Internet and that CERD should amend its reporting guidelines so as to request specifically that States parties include information on these issues in their initial and periodic reports.

35. Other participants were of the view that there is a need to develop a protocol to the International Convention on the Elimination of All Forms of Racial Discrimination, which would complement national and regional initiatives for the prevention of racism on the Internet and any other electronic media. Such a protocol should define hate speech and develop a clear legal basis for the responsibilities and limitations of all stakeholders with regard to racist manifestations on the Internet and impose an obligation on States to prosecute the authors of dissemination of hate speech and incitement to racial hatred on the Internet.

36. Participants from all regions were encouraged to consider acceding to the Convention on Cybercrime of the Council of Europe and/or the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.
37. Assigning different priorities and emphasis participants discussed a wide-ranging set of measures, most of which are in line with those included in paragraphs 140 to 147 of the Durban Programme of Action. Among the specific recommendations mentioned are the following:
38. States should promote the use of the Internet to create educational and awareness-raising networks against racism, as well as the potential of the Internet to promote universal respect for human rights and human development, foster a culture of peace and tolerance and respect for cultural diversity.
39. States should increase awareness about the possibilities offered by new information technologies and continually develop tools to promote, among civil society, in particular parents, teachers and children on the use of the information networks. In this regard, practical measures include the creation of a model anti-racism network for schools, the inclusion of anti-racism messages on websites accessed by young people, training courses for teachers on how to use the Internet, the sharing of good practices, the promotion of digital inclusion, the ethical use of the Internet and the development of critical thinking skills for children.
40. States which have not yet done so should, in compliance of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopt legislative and other administrative measures to establish as criminal offences the distribution or making available of racist and xenophobic material which incite hatred or violence, to the public through computer systems.
41. States parties should be encouraged to provide information to CERD in their initial and periodic reports on measures taken against racism on the Internet in their initial and periodic reports to CERD.
42. Considering the failure to achieve the goal set in Durban to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005, OHCHR should initiate a campaign for the universal ratification of the Convention and to call upon States parties to consider withdrawing reservations made to its article 4 and consider making the declaration under article 14, providing for the possibility for individuals and groups to submit communications to CERD.
43. OHCHR should offer technical cooperation to States to combat racism on the Internet and in other media.
44. An independent commission that could gather statistical data and analyse existing national legislations and measures should be established at the international level. OHCHR could assist this commission by facilitating access to relevant information it may have. This could constitute the basis for a code of conduct or a future legal instrument.

45. CERD should continue to develop early warning indicators, including on hate speech and to detect outbursts of racial violence in order to recommend urgent action.

46. Participation of non-State actors is essential in identifying effective measures. In this regard, the software industry should be requested to develop intelligent software in the area of monitoring and filtering or any other new online technologies to fight against dissemination of illegal content.

47. Co- and self-regulatory initiatives (codes of conduct and hotlines) by ISPs and other Internet stakeholders should include improved mechanisms and sanctions. Consideration should be given to the fact that ISPs are technical in nature and lack the capacities to determine whether material on the Internet is illegal or harmful. While encouraging these initiatives, States should ensure that the due process of law is respected and effective remedies remain available in relation to measures enforced.

48. Strategies to support international cooperation and partnership among all stakeholders (including States, international and regional organizations, ISPs, concerned private sector, the media and civil society), should be identified for a globally coordinated action to develop voluntary codes of conduct, complaint mechanisms and other means to ensure that hate speech is effectively countered.

B. Complementary international standards

49. Tshepo Madlingozi presented the background paper on complementary international standards. He identified several areas in which there were conceptual and procedural normative gaps. After carefully examining the options for such gaps, he concluded that a dramatic overhaul in the form of a comprehensive amendment of the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of a new international instrument is not advisable. He added that normative standards that go beyond the specific concerns of the Convention, such as an instrument elucidating the content of cultural rights, comprehensive treaties on human rights education and on the rights of indigenous peoples, might need to be adopted.

50. Tshepo Madlingozi stated that the Convention provides a concise and relevant framework for tackling modern forms of racism which would continue to remain of prime importance even if complementary international standards were to be adopted. Furthermore, he stressed the importance of States taking adequate steps to strengthen the implementation of international standards at the national level. He also emphasized the need for States to comply with their reporting obligations and for CERD to update its reporting guidelines regularly so as to take into account recent developments and the content of new general recommendations. Finally, he recalled the importance and value of individual complaint procedures and of the early warning and urgent action procedures of CERD.

51. Edda Mukabagwiza emphasized that despite progress made in the implementation of the Durban Declaration and Programme of Action, racism persists in many parts of the world. Racism taken to the extreme can lead to genocide as in the case of Rwanda. In order to effectively combat racism, not only do States need to ratify the International Convention on the Elimination of All Forms of Racial Discrimination but also make substantial efforts towards the

implementation of its provisions as well as design national action plans which ensure equality for all. She also noted that reliable statistics are needed for regularly assessing the situation of the victims and for formulating appropriate legislation to combat racism.

52. Patricia January-Bardill mentioned that the struggle against racism requires a collective response from the international community. She said that article 1 of the Convention clarifies the scope of racial discrimination and provides protection for the groups of victims identified in the Durban Declaration and Programme of Action. She reiterated the Committee's view that the prohibition of the dissemination of ideas based on racial superiority or hatred as compatible with the rights to freedom of expression and freedom of association. Any reservations limiting the scope of article 4 should be withdrawn.

53. Raghavan Pillai stressed the importance of compliance of States parties with their reporting obligations and regrets the limited number of individuals or group communications received by the Committee. He highlighted the procedures developed by CERD to follow up on the recommendations addressed to States parties in concluding observations and in opinions adopted on individual and groups complaints. Raghavan Pillai also recalled the possibility for CERD to adopt early warning and urgent action measures to prevent existing problems from escalating into conflicts. Furthermore, he highlighted that CERD would enhance its effectiveness if provision was made for the possibility to conduct country visits.

54. Luiz Fernando Martins da Silva stated that new technologies, despite bringing many benefits, have allowed the dissemination of racist information to increase, and as a result, have negatively influenced young people. Referring to new legislation currently being elaborated in Brazil, he mentioned that new laws need to carefully take into account the importance of the right to freedom of expression as well as of guaranteeing the right to privacy. He stressed that States needed to draft complementary standards to combat racist crime on the Internet. He highlighted regional efforts to combat such crimes, including those undertaken by the Council of Europe and OAS.

55. Gudmundur Eiriksson expressed the view that a process of drafting an optional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination should be initiated to deal specifically with measures to combat racism on the Internet. He described five premises on which he based his position, namely, from the perspectives of commitment and prioritization, new actors, legality and form, added value and the compatibility with the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. He stressed that the discussion on a new legally binding instrument should not be held in a forum of inter-State negotiations but rather in a manner which enhances partnership between Governments and non-State actors, including civil society, international monitoring bodies, international organizations and the private sector.

56. Ariel Dulitzky presented the experience of OAS in drafting an Inter-American Convention against Racism and All Forms of Discrimination and Intolerance. He emphasized that this convention will expand the scope of internationally recognized protection, strengthen the global strategy against racism and provide American States with a new legal tool to address complex issues in the region such as the repercussions of historic discrimination from the colonial era, the effects of globalization, migration and the use of new technology. It is therefore hoped that the implementation of the International Convention on the Elimination of All Forms

of Racial Discrimination would be strengthened through the elaboration of such a convention. He stressed the importance of granting victims of discrimination the right to present individual petitions as well as having a periodic reporting system. The new convention is expected, *inter alia*, to deal with indirect discrimination against certain groups, make affirmative action obligatory in specific situations and cover any form of discrimination whether in the public or the private sphere.

57. Elchin Amirbayov stated that the Durban Declaration and Programme of Action is a good point of departure from which to commence searching for gaps in international human rights law. Pointing out that the most evident gap is related to the protection of the rights of indigenous peoples, he underscored the need to expedite the elaboration of the draft Declaration. He also referred to the need to fill the legal vacuum in the following areas: the plight of internally displaced persons (IDPs), the negative economic, social and cultural consequences of racism, and the absence of definitions of terrorism and terrorists in a binding comprehensive universal document.

58. During the discussions, some participants stressed that general recommendations offer an authoritative interpretation of the International Convention on the Elimination of All Forms of Racial Discrimination by a quasi-judicial body but are not legally binding.

59. Some participants submitted that the most appropriate form to address gaps in existing international instruments against racism, racial discrimination and related intolerance lies in the creation of an optional protocol to the Convention. Such an optional protocol could include emerging areas of racism. The adoption of new instruments could create a mobilization process that would be useful for raising awareness about the negative effects of racism.

60. Several participants argued that there is no contradiction between strengthening the effectiveness of international instruments to combat racism and elaborating complementary standards, such as an optional protocol to the Convention. These strategies should in fact go hand in hand and be mutually reinforcing.

61. Some participants mentioned that while it is fundamental to strengthen the work of the treaty monitoring bodies and to provide them with adequate resources, amending the Convention is not a realistic option.

Conclusions of the Chair

62. In accordance with the programme of work, this section of the seminar was devoted to: an examination of the implementation of existing international instruments, as well as ways to enhance their effectiveness in the fight against racism, racial discrimination, xenophobia and related intolerance; the identification of gaps in international human rights law with a view to preparing complementary standards to address them; and, to outline the format of complementary standards to strengthen and update existing instruments.

1. Assessment and implementation

63. States that have not yet done so should be encouraged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, with a view to achieving its universal ratification.

64. Some participants observed that additional efforts should be made to carry out a thorough assessment of the implementation of relevant existing international standards.
65. All participants agreed on the need to ensure an enhanced implementation of international human rights instruments dealing with racism, racial discrimination, xenophobia and related intolerance. The following strategies for the strengthening of implementation were identified:
66. States parties should be encouraged to review their reservations to international human rights instruments, in particular regarding article 4 of the Convention, with a view to their possible withdrawal;
67. States parties should comply with their reporting obligations under relevant human rights treaties, in particular the Convention as a matter of priority;
68. States parties to ICERD should be encouraged to consider making the declaration under article 14 of the Convention providing for the possibility for individuals and groups to submit individual communications to CERD, and to give adequate publicity to that mechanism;
69. CERD should be encouraged to update its guidelines for State reporting so as to encourage States to report on specific aspects of racial discrimination, such as racism on the Internet;
70. OHCHR should be requested to strengthen its capacity to respond to technical assistance needs of States for the drafting of reports to CERD and other relevant bodies;
71. OHCHR should be requested to assess the possibility for CERD to hold some of its sessions outside headquarters, in the different United Nations regions;
72. OHCHR should be requested to assist CERD to ensure better publicity for, and make widely available its general recommendations, concluding observations and decisions;
73. Adequate resources should be allocated to CERD in order to ensure its capacity to fulfil its mandate;
74. The General Assembly should be encouraged to devote greater attention to the annual reports of CERD;
75. OHCHR should be requested to update the model anti-discrimination law so as to assist States in their efforts to adopt adequate anti-discrimination legislation complying with their obligations under the Convention and reflecting concerns raised in the Durban Declaration and Programme of Action and in the Working Group.

2. Identification of gaps

Substantive gaps

76. Bearing in mind that a number of participants were of the opinion that CERD general recommendations are non-binding, a fruitful debate took place on the identification of gaps in the

International Convention on the Elimination of All Forms of Racial Discrimination regarding the protection of specific groups, such as religious groups, refugees, asylum-seekers, stateless persons, migrant workers, IDPs, descent-based communities, indigenous peoples, minorities and people under foreign occupation. However, a view was expressed that protection of the rights of refugees, asylum-seekers, stateless persons and IDPs does not specifically fall under the mandate of CERD.

77. Consideration was given to the identification of the following additional gaps and deficiencies: multiple or aggravated forms of racial discrimination, ethnic cleansing, genocide, religious intolerance and defamation of religious symbols, racial discrimination in the private sphere, incitement to racial hatred and dissemination of hate speech and xenophobic and caricatural pictures, through traditional mass media and information technology, including the Internet.

Procedural gaps

78. During the discussions, consideration was also given to the identification of the following procedural gaps: need for CERD to be able to undertake country visits; need to formalize the procedure of follow-up to the recommendations addressed to States parties by CERD in its concluding observations as well as in opinions on individual communications.

Further action required

79. Most States and panellists considered that the gaps they have identified required the adoption of complementary international standards.

80. Some States and panellists, stressing that CERD general recommendations have interpretative authority, considered that these gaps in ICERD could continue to be addressed by CERD through the adoption of general recommendations.

81. Some participants stressed that regional standards could serve to complement international standards; while others stressed that those standards could assist in developing new international instruments.

Format for possible complementary international standards

82. Despite the lack of consensus, a debate took place on various options on the format of complementary standards:

83. Amendment of the International Convention on the Elimination of All Forms of Racial Discrimination, although the difficulties pertaining to these options were stressed by most participants;

84. Optional Protocol to the Convention;

85. Adoption of other new instruments (conventions, declarations) on issues such as indigenous peoples, human rights education and religious intolerance.

IV. THEMATIC ANALYSIS: RACISM AND GLOBALIZATION

86. In his presentation Doudou Diène stated that in order to understand the resurgence of contemporary racism, racial discrimination and the rejection of diversity we need to re-examine the cultural roots of racism and go back to history. Combating racism in multicultural societies and within the context of globalization requires a deconstruction of the beliefs that justifies racism. In parallel with the human rights legal instruments, which undoubtedly remain of fundamental importance, the Special Rapporteur is of the view that an intellectual strategy for combating racism is needed. Doudou Diène added that the fight against racism in a globalized world should be linked to the construction of a truly multicultural society and a key issue is how to deal with the dialectics of unity and diversity in a globalized world. There is a need to recognize specificities and promote interaction between different cultures.

87. Patrick Taran in his presentation pointed out the positive role of migrant labour, which is becoming a key feature in meeting economic, labour market and productivity challenges in a globalized world. He stated that much migration is not by choice, nor mainly a product of disparities in economic factors between countries or region. Rather, as it is the direct and inescapable result of deteriorating conditions for welfare and survival in many countries. Patrick Taran explained that migrant labour largely fills “three-Ds” jobs, meaning dirty, dangerous and degrading. He argued that migration today and treatment of migrants represent a cutting edge of contention between the economic logic of globalization and the moral values embodied in human rights concepts of law. Finally he noted that the main obstacle to implementing the instruments that protect migrant workers is the lack of political will.

88. Martin Khor focused on defining the current debate on globalization. He argued that a genuine and effective partnership would require that the developing countries obtain their fair share of benefits from the trading system. He mentioned that effective partnership should ensure that the trading rules are balanced and result in equitable outcomes, including for developing countries. He mentioned that non-discrimination and human rights in trade agreements are contradictory in terms of outcome. He said that there is currently a lack of transparency and participation by developing countries in key World Trade Organization (WTO) operations. Martin Khor submitted that WTO needs to develop more inclusive, participatory and transparent methods of discussion and decision-making, in which all members are fully enabled to participate and make proposals.

89. Shadrack Gutto stressed that modern globalization had its beginnings as far back as 500 years ago. The current world order is very much a product of that early global connectivity and interaction characterized by slavery and the slave trade, primitive capitalist accumulation, indirect and direct colonial occupation, domination and rule and, more recently, by neocolonialism following the achievement of political independence. He also mentioned that Africa has not benefited truly from globalization; on the contrary globalization has created poverty and more marginalization. He noted that it is essential to understand such historical underpinnings before embarking on efforts to reorder globalization and create enabling conditions that could realistically contribute to eliminating the historical embedded scourges of racism.

90. José Bengoa mentioned the symbolic significance of the presidential inauguration of the newly elected Bolivian President Evo Morales, the first Bolivian indigenous President. He stated

that the main theoretical and practical obstacle of multiculturalism in Latin American societies is the conclusive fact of *mestizaje* and myth of “racial democracy”. José Bengoa made the distinction between countries or societies in which indigenous peoples constitute a majority or minority of the population. In cases where indigenous peoples represent the majority, such as in Bolivia and Ecuador, the “ethnic discourse” of the indigenous groups has managed to transform all the population into an “Indian people”. Where indigenous peoples represent the minority, indigenous discourse is related to autonomy. In both of the cases new and attractive proposals emerge locally, which include for instance the possibility of indigenous people exercising control over their own resources and creating opportunities in intercultural and bilingual educations.

91. Ibrahim Salama said that globalization creates a need for complementary standards, which may in fact be new standards, substandards or elaborations on existing standards. He mentioned that the criteria to identify the areas where such standards are necessary is an issue which should be supported by empirical evidence based on the work of CERD and other relevant human rights mechanisms and inspired by States reports and views. Complementary standards would be needed either to strengthen an existing protection or to fill a protection gap. Both types of needs are of a changing nature, especially in light of the new challenges posed by developments in science and technology and by the accelerated pace of globalization. Another interesting area of great potential and clear relevance to both globalization and racism is education and the possibility of elaboration of a human rights education convention.

92. Seguei Lazarev, Chief of Section, Fight against Discrimination and Racism at the United Nations Educational, Scientific and Cultural Organization (UNESCO) referred to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of UNESCO on 20 October 2005. Seguei Lazarev submitted that globalization of culture does not have to lead to cultural homogenization and culture should be seen as one of the benefits of development. He also referred to the UNESCO Project for an International Coalition of Cities against Racism which relies on the instrumental role city authorities and policymakers can play at the local level to create dynamic synergies in the fight against racism.

93. During the ensuing discussion, some participants highlighted education as an important strategy in ensuring inclusive and culturally diverse societies, and as one of the tools to combat racism and discrimination. Some participants also envisaged the possibility of the international community drafting a convention on education and human rights. Others suggested that an intergovernmental summit be devoted to the issue.

94. Some participants reflected on the negative effects of globalization, in particular with regard to developing countries. Participants stated that the existing imbalances in international economic relations contribute to the exacerbation of racism.

95. Several participants emphasized the link between globalization, racism and migration. In this regard, they stressed that migration needs to be approached through a consistent holistic strategy which includes a shared burden of responsibility.

96. Several delegations highlighted the strong link between globalization and racial discrimination. Some participants mentioned that the benefits of globalization at present are unevenly shared and that it is fundamental to promote respect for human rights, including through the fight against racism to ensure a more equitable globalization.

V. FOLLOW-UP TO THE RECOMMENDATIONS OF THE THIRD SESSION AND RECOMMENDATIONS FOR FUTURE WORK

97. The Commission on Human Rights called upon OHCHR to expedite the consultative process in 2005 on examining the possibility of the development of a racial equality index and submit a draft basic document on the proposed index at its sixty-second session. Toward this end, OHCHR conducted research to determine the conceptual and empirical aspects that should be taken into consideration in developing a racial equality index. In addition, to a mapping exercise on previous initiatives and promising practices in countries and organizations where efforts were already under way to develop a racial equality index or any kind of anti-discrimination index, OHCHR organized a consultative process involving a broad range of stakeholders including experts from United Nations agencies, regional organizations, NGOs and academic institutions.

98. Regarding other anti-discrimination activities, OHCHR organized a subregional seminar for member States of the Economic Community of Central African States on the fight against racism, racial discrimination, xenophobia and related intolerance through inclusive participation in public life, in cooperation with the Government of Gabon (Libreville, 27-29 July 2005) and a regional expert seminar on the implementation of the right to education as a tool to combat racism, racial discrimination, xenophobia and related intolerance (Bangkok, 19-21 September 2005). OHCHR also organized a workshop on People of African descent for the Latin American and the Caribbean region on "Strategies for the inclusion of people of African descent in programmes to reduce poverty, especially to achieve the Millennium Development Goal 1" (Chincha, Peru, 2-4 November 2005).

99. OHCHR worked together with United Nations bodies, specialized agencies and international and regional intergovernmental organizations. OHCHR cooperated actively with UNESCO in the implementation of the International Coalition of Cities against Racism project. This Coalition consists of networks of cities interested in sharing experiences in order to improve their policies to fight racism, discrimination and xenophobia. OHCHR also attended meetings organized by the European Monitoring Centre on Racism and Xenophobia (an agency of the European Union) in Vienna and by the European Commission against Racism and Intolerance in Strasbourg and at the thirty-eighth ordinary session of the African Commission on Human and Peoples' Rights in Banjul.

100. Activities pertaining to liaison with NGOs and youth groups include the following: (a) the sharing of information on a regular basis and the facilitation of NGO and youth participation in meetings, seminars and workshops to which the Anti-Discrimination Unit is invited or convenes; (b) participation in and providing financial support for the organization of an expert seminar on "Defamation of religions and the global combat against racism: anti-semitism, christianophobia and islamophobia", hosted by the UNESCO Centre of Catalonia from 11 to 14 November 2004.

101. Activities relevant to publications, awareness-raising and outreach activities embraced the following: (a) the publication of a book entitled *Dimensions of Racism*, in English made available in French and Spanish as part of follow-up activities to a workshop jointly organized

by OHCHR and UNESCO on the theme “Combating racism and fostering tolerance”; (b) the organization of a drawing contest for students in Colombia, Mexico, Mongolia, South Africa and The former Yugoslav Republic of Macedonia organized by OHCHR field presences to promote the Universal Declaration of Human Rights. The drawings selected serve to illustrate a new OHCHR poster on the Universal Declaration of Human Rights, issued in the six United Nations official languages; (c) the convening of a panel discussion on “Discrimination and hate crimes: countering the violence of intolerance” in Geneva on 21 March 2005, to commemorate the International Day for the Elimination of Racial Discrimination; and (d) the dissemination by OHCHR of leaflets in the six official languages about the mandate and activities of its Anti-Discrimination Unit.

VI. CONCLUSIONS AND RECOMMENDATIONS

102. The Working Group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action (the Working Group) concluded at its fourth session that a successful strategy to combat racism and racial discrimination on a global scale, should direct relevant attention to the need to reinforce the implementation of existing international instruments and the elaboration of complementary international standards to address substantive and procedural gaps in those instruments.

HIGH-LEVEL SEMINAR

Internet and racism

103. Based on the Chairperson’s report of the high-level seminar on racism and the Internet and on complementary international standards for combating racism, the Working Group:

(a) Calls upon States to inform the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the progress made on the implementation of the relevant provisions of the Durban Declaration and Programme of Action, in particular paragraphs 140 to 147 and its recommendation to OHCHR to develop a database which would compile good practices, national legislation and other regulatory and non-regulatory undertakings, including case law in the fight against racism on the Internet;

(b) Reaffirms that States should promote the use of the Internet to create educational and awareness-raising networks against racism, as well as the potential of the Internet to promote universal respect for human rights and human development, foster a culture of peace and tolerance and respect for cultural diversity;

(c) Stresses that States should increase awareness about the possibilities offered by new information technologies and continually develop tools to promote, among civil society, in particular parents, teachers and children on the use of the information networks. In this regard, practical measures include the creation of a model anti-racism network for schools, the inclusion of anti-racism messages on websites accessed by young

people, training courses for teachers on how to use the Internet, the sharing of good practices, the promotion of digital inclusion, the ethical use of the Internet and the development of critical thinking skills for children;

(d) Reminds States which have not yet done so, that in compliance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), they should adopt legislative and other administrative measures to establish as criminal offences the distribution or making available of racist and xenophobic material which incite hatred or violence, to the public through computer systems;

(e) Encourages States parties to the Convention to provide information to the Committee on the Elimination of Racial Discrimination (CERD) in their initial and periodic reports on measures taken to combat racism on the Internet, and through traditional mass media and other information technologies;

(f) Recommends that CERD continue to develop early warning indicators, including on hate speech and to detect outbursts of racial violence in order to recommend urgent action;

(g) Requests OHCHR to initiate a campaign for the universal ratification of the Convention and calls upon States parties to consider withdrawing reservations made to its article 4 and consider making the declaration under article 14, providing for the possibility for individuals and groups to submit communications to CERD;

(h) Suggests that OHCHR offer technical cooperation to States to combat racism on the Internet and in other media;

(i) Recommends that OHCHR should identify strategies to support international cooperation and partnership among all stakeholders (including States, international and regional organizations, Internet service providers, concerned private sector, the media and civil society), for a globally coordinated action to develop voluntary codes of conduct, complaint mechanisms and other means to ensure that hate speech is effectively countered.

Complementary international standards

104. The Working Group concluded that a successful strategy to combat racism and racial discrimination on a global scale should give relevant attention to the need to reinforce the implementation of existing international instruments and to the elaboration of complementary standards to address substantive and procedural gaps in those instruments.

105. In fulfilment of its mandate to assess and evaluate the implementation of existing international instruments, including suggestions to enhance its effectiveness in the fight against racism, racial discrimination, xenophobia and related intolerance, the Working Group:

- (a) Encourages States that have not yet done so, to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, with a view to achieving its universal ratification;**
- (b) Encourages States parties to review their reservations to international human rights instruments, in particular regarding article 4 of the Convention, with a view to their possible withdrawal;**
- (c) Reminds States parties of the need to comply with their reporting obligations under relevant human rights treaties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of priority;**
- (d) Encourages States parties to the Convention to consider making the declaration under article 14 of the Convention providing for the possibility for individuals and groups to submit individual communications to CERD, and to give adequate publicity to that mechanism;**
- (e) Encourages CERD to further update its guidelines for State reporting so as to include the Internet and, in that regard to provide further elaboration of general recommendation XXIX (2002) on article 1, paragraph 1, of the Convention (Descent);**
- (f) Recommends that the General Assembly:**
 - (i) Allocate adequate resources to CERD in order to ensure its capacity to fulfil its mandate;**
 - (ii) Devote greater attention to the annual reports of CERD;**
- (g) Requests that OHCHR:**
 - (i) Strengthen its capacity to respond to technical assistance needs of States for the drafting of reports to CERD and other relevant bodies, including for the elaboration of national plans of action against racism;**
 - (ii) Assess the possibility of CERD holding some of its sessions outside headquarters, in the different United Nations regions;**
 - (iii) Assist CERD to ensure better publicity for, and make widely available its general recommendations, concluding observations, decisions and opinions, and encourage follow-up by States parties to its concluding observations, including through the organization of regional and subregional workshops;**
 - (iv) Update the model anti-discrimination law so as to assist States in their efforts to adopt adequate anti-discrimination legislation complying with their obligations under the Convention and reflecting concerns raised in the Durban Declaration and Programme of Action and in the Working Group.**

106. The Working Group identified and/or considered the following substantive and procedural gaps:

(a) **Substantive gaps in the International Convention on the Elimination of All Forms of Racial Discrimination:** the protection of persons belonging to specific groups, such as religious groups, refugees, asylum-seekers, stateless persons and migrants, migrant workers, internally displaced persons, descent-based communities as people of African descent, indigenous peoples, minorities and of people under foreign occupation. Additional gaps and deficiencies examined also include multiple or aggravated forms of discrimination, xenophobia, ethnic cleansing, genocide, human rights education, religious intolerance and defamation of religious symbols, racial discrimination in the private sphere, incitement to racial hatred and dissemination of hate speech and xenophobic, defamatory caricatural pictures, through traditional mass media and information technology, including the Internet;

(b) **Procedural gaps:** the need for CERD to be able to undertake country visits; need to formalize the procedure of follow-up to the recommendations addressed to State parties by CERD in its concluding observations as well as in opinions on communications under article 14 of the Convention.

107. Among the next steps, the Working Group deems it essential to define the nature and scope of the gaps examined in order to assess the most appropriate means to bridge the gaps, be they substantive or procedural.

108. The Working Group recommends the following:

(a) For the procedural gaps: the Working Group requests CERD to conduct a further study on possible measures to strengthen the implementation through additional recommendations or the update of its monitoring procedures;

(b) For the substantive gaps: it is recommended that OHCHR select, in close consultation with regional groups, five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance, including but being not limited to the areas identified in the conclusions of the Chair of the high-level seminar that took place during the fourth session of the Working Group. The group of experts, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mandate-holders, should produce a base document that contains concrete recommendations on the means or avenues to bridge these gaps, including but not limited to the drafting of a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments (conventions, declarations);

(c) Both documents should be presented to the Working Group for analysis during its fifth session.

THEMATIC ANALYSIS: GLOBALIZATION AND RACISM

109. Following discussion and analysis on the thematic issue of globalization and racism, the Working Group agreed on the adoption of the following conclusions and recommendations:

(a) The Durban Declaration and Programme of Action remains the most appropriate, comprehensive and viable anti-discrimination agenda for national policies and strategies to address racism, racial discrimination, xenophobia and related intolerance. Its implementation through national action plans is more urgent than ever;

Globalization and racism

(b) Following dialogue with international experts in the field of racism, globalization, culture, development, labour and migration, the Working Group concludes that there is a negative intersectionality between globalization and racism, although it acknowledges that globalization can also contribute to the fight against racism. Similar interlinkages have previously been established by the Working Group on issues such as poverty, health and education. It is imperative that a broad strategy be developed which would allow the Commission on Human Rights/Human Rights Council, through the Working Group to engage in meaningful partnerships with key players in this field; i.e. the World Trade Organization, the International Labour Organization (ILO) and the International Organization for Migration, with a view to preventing, mitigating and reversing the negative effects of globalization, that could aggravate poverty, social exclusion, cultural homogenization and economic disparities which may occur along racial lines. The core principles of non-discrimination, participation, equity, transparency and accountability must be mainstreamed through partnerships spearheaded by the Commission on Human Rights/Human Rights Council into the policies and operational activities of the above-mentioned institutions;

(c) The Working Group emphasizes, as stated in paragraph 11 of the Durban Declaration “that the process of globalization constitutes a powerful and dynamic force which should be harnessed for the benefit, development and prosperity of all countries, without exclusion. We recognize that developing countries face special difficulties in responding to this central challenge. While globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed” (para. 11);

(d) The Working Group emphasizes that a more equitable international trade that takes into consideration the special needs of developing countries, and the strengthening and enhancement of international cooperation, are instrumental to maximize the benefits of globalization for developing countries, since they increase economic growth and sustainable development;

(e) In this regard, the Working Group urges States to promote a human rights approach to globalization which would assist in efforts to combat racism and have a decisive role in ensuring that the benefits of globalization are distributed in an equitable

manner. There is the need to create synergies between the fight against racism and efforts geared to the realization of the Millennium Development Goals, particularly with regard to vulnerable groups;

(f) In achieving the Millennium Development Goals, States should design strategies based on the principles of non-discrimination, inclusion and participation;

Education

(g) In recognizing that education is a key element in combating racism, the Working Group deems it necessary to reiterate that education, in particular human rights education, could be a key element in combating racism in a globalized world;

(h) Other initiatives could include the teaching of history based on accurate facts and lessons learned through remembering history to avert future tragedies;

(i) The United Nations Educational, Scientific and Cultural Organization (UNESCO) should consider the development and implementation of a universal school curriculum with regional perspectives, to teach human rights;

Globalization and discrimination in a multicultural context

(j) Efforts must be deployed by all stakeholders to ensure that cultural diversity is protected in the current process of globalization;

(k) The building and nurturing of multicultural democratic societies based on respect for racial, ethnic, cultural and religious diversity, gender equality, is a key element in the fight against racism;

(l) In developing national measures to combat discrimination, States should be mindful that given faster and easier flow of ideas and information including through information and communication technologies in a globalized world, the effects of discrimination can no longer be contained in a single space and context;

(m) In meeting their reporting obligations, States parties to the International Convention on the Elimination of All Forms of Racial Discrimination should take into consideration the content of all relevant human rights instruments and in particular, for those party to them, including the recently adopted UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

The migration dimension

(n) The Working Group reaffirms the importance of ensuring the promotion and protection of the human rights of migrants. In this context, the Working Group calls upon States to consider ratifying urgently the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to give effective follow-up to the Durban Declaration and Programme of Action;

(o) The Working Group underlines that international migration brings benefits as well as challenges to the global community and that consultations at the multilateral level are required in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts;

(p) The Working Group recognizes that a comprehensive, holistic and human rights-based approach is required to effectively deal with international migration and this should be based, inter alia, on:

- (i) Practical measures which serve to implement international standards providing for the protection of migrants, including the right to non-discrimination;**
- (ii) Practical measures to address the root causes of migration;**
- (iii) Shared responsibilities between countries of origin, transit and destination in addressing migration challenges and opportunities;**
- (iv) International cooperation for development and the fulfilment of the Millennium Development Goals as well as the Monterrey Consensus;**
- (v) Additional and enhanced coordination and cooperation between States as well as between international organizations and agencies concerned with migration issues;**
- (vi) Efforts to ensure that mutual benefits of migration are achieved in practice;**
- (vii) Coherence in policies at the national, bilateral, regional and international levels;**
- (viii) Promotion of the positive elements of migration while addressing the whole spectrum of related challenges, particularly those relevant to undocumented migrants or in an irregular situation;**
- (ix) Reviewing and improving national policies for the integration of migrants;**
- (x) The condemnation of political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related intolerance, and the prohibition of racist and xenophobic propaganda which incites racial hatred and violence;**
- (xi) The promotion of awareness-raising campaigns on the benefits of migration;**

Development

(q) **The Working Group recognized that development, peace and security and human rights, including the fight against racism and racial discrimination, are interlinked and mutually reinforcing;**

(r) **States are encouraged to recognize that the lack of progress in the realization of civil and political, economic, social and cultural rights coupled with the costs of globalization could be conducive to racial discrimination. States are thereby encouraged to tackle racial discrimination so that all can access and enjoy the benefits of globalization;**

(s) **States should endeavour to find a balance that could favour development in countries of origin which lose skilled professionals through recruitment abroad.**

OTHER CONCLUSIONS AND RECOMMENDATIONS

110. **The Working Group recognizes that a broad, global exchange of “good practices” in combating racism could serve as examples and assist Governments, the judiciary, social partners and civil society to more effectively implement the provisions in the Durban Declaration and Programme of Action. To this effect, the Working Group calls on OHCHR, ILO, UNESCO and other relevant organizations to develop databases and effective dissemination of good practices.**

111. **The Working Group expresses the view that Governments 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. In this regard, there is 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.**

112. **The Working Group emphasizes the need to establish a voluntary fund which could benefit the participation of non-governmental organizations in its sessions.**

VII. ADOPTION OF THE REPORT

113. **Having adopted its recommendations by consensus and entrusted the Chairperson-Rapporteur with the finalization of the others sections, the above report is considered adopted as of 27 January 2006.**

Notes

¹ General recommendation XV (1993) on article 4 of the Convention provides that “the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression”.

² According to article 20 of the International Covenant on Civil and Political Rights, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Annex I

LIST OF ATTENDANCE

States Members of the United Nations

Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Azerbaijan, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sudan, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

Non-member States represented by observers

Holy See.

Other entities

Palestine.

United Nations

United Nations Population Fund.

Specialized agencies

United Nations Educational, Scientific and Cultural Organization.

Non-governmental organizations

General consultative status

Brahma Kumaris World Spiritual University, Franciscans International, International Confederation of Free Trade Unions, World Federation of Trade Unions.

Special consultative status

African Commission on Health Promotion and Human Rights, Anti-Racism Information Service, Association of World Citizens, Commission Africaine des Promoteurs de la Santé et des Droits de l'Homme, International Association Against Torture, International Service for Human Rights, Ligue Internationale contre le racisme et l'antisémitisme, Tiye International.

Roster

Association for World Education.

Accredited to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Coordination des ONG africaines des droits de l'homme, Centre for Interethnic Cooperation, Espacio Afroamericano, Indigenous Peoples and Nations Coalition, Magenta Foundation.

Annex II

AGENDA

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. High-level seminar:
 - (a) Racism and the Internet;
 - (b) Complementary international standards.
6. Thematic analysis: discussion on and analysis of the issue of racism and globalization.
7. General statements: exchange of information on participants' implementation activities and debate on issues of general interest to the implementation process.
8. Follow-up to the recommendations of the third session.
9. Recommendations for future work.
10. Adoption of recommendations.
11. Adoption of the report.

Annex III

LIST OF DOCUMENTS PREPARED FOR THE WORKING GROUP

<u>Symbol</u>	<u>Title</u>
E/CN.4/2006/WG.21/1	Provisional agenda
E/CN.4/2006/WG.21/2	High-level Seminar Concept paper: Racism and the Internet and complementary international standards
E/CN.4/2006/WG.21/3	Thematic analysis Concept paper: globalization and racism
E/CN.4/2006/WG.21/4	Draft programme of work
E/CN.4/2006/WG.21/BP.1	High-level seminar - Stocktaking on efforts to combat racism on the Internet - Background Paper prepared by Yaman Akdeniz
E/CN.4/2006/WG.21/BP.1/Add.1	High-level seminar - Stocktaking on efforts to combat racism on the Internet (summary of E/CN.4/2006/WG.21/BP.1) - Background Paper prepared by Yaman Akdeniz
E/CN.4/2006/WG.21/BP.2	High-level seminar - Taking stock of the debates on complementary international standards to strengthen and update international legal instruments against racism, racial discrimination, xenophobia and related intolerance - consultations paper prepared by Frans Viljoen and Tshepo Madlingozi
E/CN.4/2006/WG.21/BP.2/Add.1	High-level seminar - Taking stock of the debates on complementary international standards to strengthen and update international legal instruments against racism, racial discrimination, xenophobia and related intolerance (summary of E/CN.4/2006/WG.21/BP.2) - consultations paper prepared by Frans Viljoen and Tshepo Madlingozi
