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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of 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 eighth session*

Chairman-Rapporteur: Mohamed Siad **Douale** (Djibouti)

Summary

The eighth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action was held from 11 to 22 October 2010. The present report contains a summary of the deliberations of the session and annexes.

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

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I. Introduction

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with resolution 11/12 and decision 3/103 of the Human Rights Council.

II. Organization of the session

2. The Intergovernmental Working Group held its eighth session from 11 to 22 October 2010. The participants discussed draft conclusions and recommendations on protection of children, migration and employment, pending from the seventh session of the Working Group. The participants reviewed the progress on implementation of recommendations adopted at the seventh session of the Working Group. The delegates also shared experiences, including on good practices, implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action (DDPA) and the Outcome Document of the Durban Review Conference. The participants discussed the tenth anniversary of the adoption of the DDPA. Furthermore, a thematic discussion on structural discrimination was held and presentations by experts were followed by interactive discussions. The Working Group adopted conclusions and recommendations on the aforementioned themes.

A. Attendance

3. The session was attended by representatives of Member States, observers from non-Member States of the United Nations as well as observers from intergovernmental and non-governmental organizations (see annex I).

4. During the session, presentations on the theme of structural discrimination were made by the following panellists: Mirjana Najcevska, Chairperson of the Working Group of Experts on People of African Descent; Ion Diaconu, Rapporteur of the Committee on the Elimination of Racial Discrimination; Ferdous Ara Begum, member of the Committee on the Elimination of Discrimination against Women; Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Waleed Sadi, Vice-Chairperson of the Committee on Economic, Social and Cultural Rights; Hatem Kotrane, member of the Committee on the Rights of the Child; Ana Elizabeth Cubias Medina, member of the Committee on Migrant Workers; Alvaro Bello, Director of the School of Anthropology, University of Temuco, Chile; Kgamadi Kometesi, National Coordinator on racism and non-discrimination, Human Rights Commission, South Africa; João Carlos Nogueira, Vice-Minister, Secretariate of Policies for the Promotion of Racial Equality of Brazil; Marcello Scarone Azzi, Chief, a.i. Struggle against Discrimination and Racism Section, United Nations Educational, Scientific and Cultural Organization (UNESCO); Jerald Joseph, Executive Director, Dignity International; Stefan Olsson, Head of Unit "Equality, Action against Discrimination: Legal Questions", Directorate-General for Employment, Social Affairs and Equal Opportunities, European Commission; and Edna Santos Roland, independent eminent expert on implementation of the Durban Declaration and Programme of Action.

B. Opening of the session

5. The United Nations High Commissioner for Human Rights, Navanethem Pillay, opened the first meeting of the eighth session on 11 October 2010. She recalled that 2011 will mark the tenth anniversary of the DDPA. She also noted that a number of steps had been taken to combat racism, racial discrimination, xenophobia and related intolerance, but that more efforts still needed to be undertaken to achieve the goals of the Durban Declaration and Programme of Action. She stressed that priority should be placed on national action plans. The High Commissioner noted that the themes of protection of children, migration and employment were on the agenda of the eighth session of the Working Group and that the eighth session also included a discussion on good practices put into place by States to end racism, racial discrimination, xenophobia and related intolerance. She encouraged States to propose effective and creative ideas to commemorate the tenth anniversary of the DDPA. Finally, the High Commissioner welcomed the discussion of structural discrimination that the Working Group would engage in, noting the importance of the collection of disaggregated data in identifying such discrimination.

C. Election of the Chairperson-Rapporteur

6. At the first meeting, on 11 October 2010, Mohamed Siad Douale, Permanent Representative of Djibouti to the United Nations, was elected Chairman-Rapporteur by acclamation. Mr. Douale reiterated his strong commitment to the fight against racism, racial discrimination, xenophobia and related intolerance.

D. Adoption of the agenda and programme of work

7. During its first meeting, the Working Group adopted the agenda for its eighth session (A/HRC/16/WG.3/1, see annex II) and its programme of work (see annex III), which was slightly modified during the following days to accommodate changes in the timing of the meetings. The Working Group held its last meeting on Friday afternoon, 22 October 2010.

III. Statements

8. The European Union paid tribute to the work of the High Commissioner, the Secretariat and Mr. Douale and emphasized that the DDPA is a cornerstone of the global fight against racial discrimination. The European Union reaffirmed that it was determined to continue its efforts in implementing the agreed principles and operational recommendations of the DDPA.

9. Costa Rica, speaking on behalf of the Group of Latin American and Caribbean States, recalled that the fight against discrimination remained a priority. It called on the Working Group to engage efficiently in the combat against racism, racial discrimination, xenophobia and related intolerance and reaffirmed the necessity of coordinating with other human rights institutions to achieve the goals of the DDPA.

10. Finally, Nigeria, speaking on behalf of the African Group, recalled that the DDPA constituted a comprehensive action-oriented document that embodied the commitment of the international community to combat racism, racial discrimination, xenophobia and related intolerance. Nigeria noted, however, that effective practical steps and measures still needed to be taken by States towards achieving the goals enshrined in the DDPA. Nigeria reiterated the strong commitment of the African Group to implement the DDPA.

IV. Discussion and adoption of draft conclusions and recommendations from the seventh session of the Working Group on protection of children, migration and employment

11. The Chairperson recalled that on 1 and 2 September 2010, a number of delegations had participated in informal consultations that had been convened to facilitate the finalization of the draft conclusions on the themes of children, employment and migration considered at the seventh session of the Working Group. The Working Group agreed that the discussions on the drafts would be informal, while the discussions to adopt the recommendations would be formal.

A. Protection of children

12. In his opening remarks, the Chairperson stated that the draft conclusions and recommendations on protection of children had been agreed upon on 2 September 2010 in the framework of informal consultations in preparation of the eighth session of the Working Group.

B. Migration

13. In the framework of informal consultations, delegates speaking on behalf of regional groups and as representatives of their own countries discussed the draft on migration with proposals of amendments made. The group agreed on recommendations and conclusions on migration in the afternoon meeting of 12 October 2010.

C. Employment

14. In the framework of informal consultations, delegates speaking on behalf of regional groups and as representatives of their own countries discussed the draft on employment with proposals of amendments made. The group agreed on recommendations and conclusions on employment in the afternoon meeting of 13 October 2010.

15. Formal discussions were resumed on the afternoon of 13 October 2010. The European Union stated that the draft conclusions and recommendations on protection of children, migration and employment needed final confirmation by their capitals before adoption. Several delegates noted that this was not in line with usual practice and should not constitute a precedent for the Working Group's future procedure.

16. The draft conclusions and recommendations on protection of children, migration and employment were formally adopted in the morning meeting of 14 October 2010. The European Union indicated that it would likely make a statement at the end of the session and asked for the statement to be included in the report. A debate was held between delegates as to when such an explanation would be held and the Chairperson decided that it would be held at the end of the session. Following the question raised by one delegate as to whether the conclusions and recommendations should be put in an annex of the report of the seventh session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Chairperson decided that these conclusions and recommendations would be included in the present report.

17. The European Union also recalled article 16 of the report of the seventh session of the Intergovernmental Working Group on the Effective Implementation of the DDPA and

reiterated that it was their understanding that any additional appropriations related to the conclusions and recommendations on protection of children, migration and employment would be met from within existing resources.

V. Review of progress on implementation of recommendations adopted at the seventh session of the Working Group

18. Mr. Boychenko, Chief of the Anti-Discrimination Section proceeded to explain the progress of the Office in implementing the recommendations adopted at the preceding session. He stressed the efforts of the Office to incorporate the implementation of the DDPA in the human rights mainstreaming both within the United Nations as well as with regional and international organizations. He stated that the Office continued its efforts to increase awareness on the Working Group recommendations and to place the information it collects on its website. Mr. Boychenko also stressed that the Office was in the process of reinforcing the national capacity-building component of its programme. To that effect, he mentioned that two regional workshops on the design and implementation of national action plans against racial discrimination, addressed to French-speaking African countries, had taken place in 2009. The Office had organized a similar workshop for 21 English-speaking African countries, to take place in December 2010 in Addis Ababa. He shared the efforts of the Office to increase participation of relevant treaty monitoring bodies and special-procedure mandate holders, including the Committee on the Elimination of Racial Discrimination, as well as to invite experts, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to have interactive discussions with the Working Group. Mr. Boychenko reiterated the commitment of the office to move from recommendations to changing realities on the ground.

19. Following the statement made by the chief of the Anti-Discrimination Section, several delegates thanked him for his comprehensive report, expressed their support for the work of the section and stressed the important role to be played by the section in filling the gap between recommendations and implementation on the ground.

20. The European Union underlined its intention to discuss proposals on how to improve the effectiveness of the work of the Durban follow-up mechanisms. Several delegates protested at the intention to introduce such a discussion, recalling that paragraph 124 of the Outcome Document of the Durban Review Conference requests the Human Rights Council to conduct such work. Other delegates stated that, while the request contained in paragraph 124 is directed at the Human Rights Council, a discussion on the subject by the Working Group would be productive.

21. Draft recommendations and conclusions on review of progress on the implementation of recommendations adopted at the seventh session of the Working Group were discussed. Whether or not to make reference, in the conclusions and recommendations of the eighth session, to article 124 of the Outcome Document of the Durban Review Conference was also discussed. Delegations speaking on behalf of regional groups and as representatives of their own countries informed the room that they would not be in a position to adopt conclusions and recommendations relating to the eighth session without first consulting their capitals.

VI. Sharing of experiences, including on good practices, implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference

22. The representative of Brazil stated that, although some forms of structural discrimination persisted in Brazilian society, a number of policies aimed at promoting equal guarantees to the full enjoyment of all human rights by sectors of its population that had historically faced discrimination had been undertaken by the Government of Brazil. In 2009, the National Plan for the Promotion of Racial Equality had been launched to overcome persisting racial inequalities in Brazil by promoting affirmative action policies. Also in 2009, the third National Human Rights Plan, aimed at combating structural inequalities, had been adopted. In July 2010, President Lula enacted the “Statute of Racial Equality” aimed at reinforcing the obligation of the State and society to guarantee equal opportunities to the country’s African descendent population.

23. The European Union stated that it had adopted a number of instruments designed to combat racism, racial discrimination, xenophobia and related intolerance, such as a directive that implements the principle of equal treatment between people irrespective of racial or ethnic origin and a framework decision that aims at combating certain forms and expressions of racism and xenophobia by means of criminal law, through criminal sanctions.

24. The representative of Italy stated that a recent plan of action had been launched by the City of Rome to facilitate the integration of Roma people and provide these communities with better living conditions. The pilot project aimed at resettling 6,000 Roma in the capital in order to provide them with better social and health services, as well as to empower their community.

25. The representative of the Netherlands stated that the Netherlands had adopted a law establishing at the local level a nationwide network of anti-discrimination bureaus that were responsible for registering complaints submitted to them in a central database and providing assistance, such as mediation services and assistance for persons who lodged complaints with the Equal Treatment Commission. The delegate pointed out that two studies with regard to the fight against racism and discrimination had been published. The Working Conditions Act had been amended and now obliged employers to pursue anti-discrimination policies. Instructions had been given to police and public prosecution services with the aim of attaining closer cooperation among relevant actors and a more targeted approach to discrimination at the regional level.

26. The representative of South Africa expressed appreciation to the High Commissioner for her efforts in mainstreaming the DDPA in the United Nations system. The representative stated that his Government has taken a number of steps to implement the DDPA, including the adoption of legislation and practical measures, with active engagement of international and non-governmental organizations (NGOs), political parties, the national human rights institution, the private sector, the media and civil society. South Africa had sought to promote the fight against racism at the 2010 International Federation Association of Football Clubs “Football World Cup”, including by the display of a banner with the words “Say No to Racism”. A counter-xenophobia unit had been established with the mandate to promote a human rights-based culture in Government and civil society in respect to immigration control. In this regard, training programmes have been initiated for officials interacting with refugees and migrants, and measures have been taken to facilitate

and simplify the issuance of residence permits to those entitled to them, and detect and deport illegal foreigners.

27. The representative of Norway stated that discrimination on prohibited grounds was proscribed by several laws, among others, the Anti-Discrimination Act, which transformed the International Convention on the Elimination of All Forms of Racial Discrimination into national law. Further anti-discrimination legislation was being drafted upon the proposal of a commission appointed for that purpose. The Equality and Anti-Discrimination Ombudsman supervises implementation of above-mentioned legislation and decides on individual complaints, along with the Equality and Anti-Discrimination Tribunal. Furthermore, an institution had been established to promote integration and diversity. Norway launched the Plan of Action to combat Racism and Discrimination in 2002 and the Plan of Action to Promote Equality and Prevent Ethnic Discrimination in 2009, incorporating recommendations of the Durban Declaration. Included were policy measures to safeguard and develop Sami languages, culture and social life. Furthermore, the Plan of Action for the promotion of integration and inclusion of the immigrant population had been launched.

28. The representative of Costa Rica stated that, of the recommendations made during the universal periodic review to Costa Rica, some recommended amending legislation to conform to the Convention on the Elimination of All Forms of Racial Discrimination and prepare and adopt a national action plan against racism. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) regional office, on 27 and 28 September 2010 a seminar had been held with the aim of discussing national action plans and racial discrimination. Over two days, various participants addressed the main recommendations made to Costa Rica during the universal periodic review regarding the fight against discrimination and its own national perspective on an issue that was under the responsibility of all. During the seminar, experiences regarding efforts of other Latin American countries were discussed such as those of: Argentina, Brazil and Mexico and. United Nations agencies also shared their viewpoints on the issue of discrimination in Costa Rica and other countries. The main conclusions of the seminar were that there was a strong need to prepare a national plan against racism and topics such as education, culture and health were elements that should be adequately addressed as part of common efforts.

29. The representative of the United Kingdom of Great Britain and Northern Ireland stated that its "Programme for Government" made clear its country's determination to take concerted action to tear down barriers to equal opportunities, including by setting up measures for black, Asian and minority ethnic communities with relation to employment. It was stated that there had been success in programmes aimed at narrowing the gap between children from disadvantaged backgrounds and their peers in education, and that further programmes with that aim would be conducted. The delegate highlighted that the Race Relations Act 1976 had been amended in 2000 to add, inter alia, the duty of public bodies to give due regard to the need to eliminate discrimination and to promote equality of opportunity and good race relations. In 2005, the first race equality strategy was launched, forming the basis for a renewed programme of action. In 2010, the Equality Act came into force and, in 2011, a new Public Sector Equality Duty to promote equality on grounds of race, disability and gender will be put in place.

30. The representative of Nigeria, speaking on behalf of the African Group, stated that the Executive Council of the African Union, following its meeting in Sirte, Libya, in 2009, had appealed to member States to implement all commitments emanating from the international and regional conferences, and to formulate national policies and plans of action to prevent, combat and eliminate racism, racial discrimination, xenophobia and related intolerance. The Ministers, at that meeting, had further urged the African Commission on Human and Peoples' Rights to strengthen the interaction and synergy

between the various organs and structures concerned and ensure effective coordination with the relevant African groups with a view to adopting a common African position in various international forums.

31. An observer from an NGO expressed concern about the situation of indigenous peoples, in particular in relation to the suppression of their right to self-determination and the right to territory in many parts of the world. He suggested that the Working Group make a recommendation to the treaty monitoring bodies, in particular the Committee on the Elimination of Racial Discrimination, to exercise their mandate to the fullest extent with regard to the rights of indigenous peoples.

32. The delegate speaking for the Commission for Human Rights (Ombudsman) of the Republic of Azerbaijan stated that the institution of the Ombudsman had been established with the mandate to protect human rights and freedoms of all citizens, including by examining individual complaints. The Ombudsman had since undertaken various activities in relation to the right to non-discrimination, such as: awareness-raising campaigns on the promotion of rights contained in, inter alia, the Convention on the Elimination of All Forms of Racial Discrimination; measures for the provision of rights, particularly freedom of religion, for members of national minorities; and establishing collaboration with relevant international and regional organizations. In 2006, the National Action Plan on the Protection of Human Rights, including provisions for the elimination of discrimination and the protection and development of the heritage of national minorities, had been approved by Presidential Decree and a working group had been established for the coordination of its implementation.

33. An observer from an NGO underlined the important role of national action plans in the fight against racism, racial discrimination, xenophobia and related intolerance and the necessity of evaluation of their accomplishments. The observer expressed satisfaction that the International Year for People of African Descent was to be held in 2011 and underlined the importance of it being a sustainable event.

34. With reference to paragraph 50 of the Outcome Document of the Durban Review Conference requesting OHCHR to place examples of best practices provided by stakeholders on its homepage, Yury Boychenko, chief of the Anti-Discrimination Section, asked the Working Group to consider providing parameters for validation of best practices. Upon proposal of a delegate speaking on behalf of a regional group, OHCHR agreed to prepare a note on activities undertaken in that regard providing the basis for a discussion to be held during the ninth session of the Working Group.

VII. The tenth anniversary of the adoption of the Durban Declaration and Programme of Action

35. A delegate speaking on behalf of a regional group presented proposed elements for the commemoration of the tenth anniversary of the DDPA, including the mobilization of political will; resuscitation of the Independent Eminent Experts' Group; holding of a high-level plenary event; round-table discussions during the sixteenth session of the Human Rights Council; linkage with the International Year for People of African Descent; and the nature of the outcome to be a short and concise declaration.

36. A delegate speaking on behalf of an intergovernmental organization emphasized the importance of mobilization of political will on the anti-racism agenda at the highest level and proposed to deliberate on progress achieved within the United Nations human rights system on preparation of complementary standards to prevent and combat new forms of racism, racial discrimination, xenophobia and related intolerance.

37. A delegate stated that the commemoration should be a positive event reflecting achievements since the adoption of the DDPA rather than its weaknesses. The event should further aim at giving visibility and advocacy to the Durban documents and at awareness-raising amongst civil society. This proposal was widely supported by other delegations speaking on behalf of regional groups and as representatives of their own countries.

38. A delegate proposed to appoint high-profile persons as goodwill ambassadors for the above-mentioned purposes.

39. Several delegates speaking on behalf of regional groups and as representatives of their own countries expressed doubts about the effectiveness and necessity of the Independent Eminent Experts' Group with reference to article 124 of the Outcome Document of the Durban Review Conference. While various delegates stated that the Working Group's mandate did not extend to discussing the effectiveness of the Durban mechanisms, other delegations argued that the Working Group could submit recommendations to the Human Rights Council.

40. A delegate speaking on behalf of a regional group recalled that a comprehensive review of the DDPA had been undertaken in 2009 at the Durban Review Conference and, in this regard, expressed doubt about the added value of the formulation of a declaration as an outcome document of the commemoration of tenth anniversary of the Durban Declaration and Programme of Action.

41. At the request of the Chair, a representative of the Anti-Discrimination Section of OHCHR noted that discussions on the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action and on the International Year for People of African Descent were under way within the office. In that regard, it was confirmed that no additional resources would be requested to meet the recommendations on the tenth anniversary of the adoption of the Durban Declaration and Programme of Action as adopted by the Working Group.

42. A delegate speaking on behalf of a regional group noted that the commemoration of the tenth anniversary of the DDPA would be a good opportunity for the Human Rights Council to improve the efficiency of the work of the Durban follow-up mechanisms, pursuant to paragraph 124 of the Outcome Document of the Durban Review Conference. A delegate opposed this suggestion, stating that the commemoration should only be the occasion to raise further awareness on the DDPA and that it had no links with the Durban follow-up mechanisms.

43. Following a discussion on General Assembly resolution 64/148 and the intention expressed by some delegates to propose a resolution on the activities that would take place to commemorate the tenth anniversary of the DDPA, it was noted that no resolution would be discussed during the present session of the Working Group. Similarly, following concerns raised by some delegates, it was reiterated that the Working Group should make its recommendations to the Human Rights Council rather than to the General Assembly.

44. An observer from an NGO stressed the importance of taking the opportunity of the commemoration of the tenth anniversary of the DDPA to further raise awareness on issues of racism, racial discrimination, xenophobia and related intolerance.

45. An observer speaking on behalf of an NGO noted that the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action would be the opportunity to include the right to self-determination of people living under occupied territory in related actions.

VIII. Thematic discussion on structural discrimination¹

A. Definitions, approaches and trends

46. Mirjana Najcevska, Chairperson of the Working Group on People of African Descent, Ion Diaconu, member of the Committee on the Elimination of Racial Discrimination, and Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made presentations on definitions, approaches and trends of structural racial discrimination. Ferdous Ara Begum, member of the Committee on the Elimination of Discrimination against Women, gave a presentation on the gendered nature of structural discrimination in the field of migration and employment.

47. Following statements and questions raised by several delegates, the importance of identifying structural discrimination in the context of the application of the DDPA, the need for States to adopt specific legislation and policies, and the usefulness of collecting disaggregated data were discussed. The positive role of education in providing empowerment to people was also highlighted. A delegate noted in that regard that his country incorporated elements of African history and culture within its school history textbooks to give more visibility to people of African descent.

48. A delegate noted that the term “structural discrimination” was still controversial, as there was no consensus among academics as to how it operated. Several delegates and panellists stressed that, while structural discrimination was about individual rights, it was the overall system creating such discrimination that needed to be addressed. A delegate from an NGO called upon the Committee on the Elimination of Racial Discrimination to fully implement its mandate by transmitting petitions to the appropriate United Nations bodies.

49. Waleed Sadi, Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, made a presentation on the Committee’s perception of structural discrimination. Hatem Kotrane, member of the Committee on the Rights of the Child, made a presentation on structural discrimination with regard to children. Ana Elizabeth Cubias Medina, member of the Committee on Migrant Workers, made a presentation on structural discrimination with regard to migrant workers.

50. During the discussion following the panellists’ presentations, questions were raised on the structural dimensions of racial discrimination, the usefulness of statistics and disaggregated data – in particular with regard to the attribution of individuals to groups and the potential misuse of such data, how to avoid adverse effects of positive measures and whether or not the perception of one unified human race was to be embraced.

51. One delegate stated that the organization of his State was federalist, based on ethnic groups. Mr. Diaconu pointed out that, while territorial organization was an autonomous responsibility of States, it was important to ensure that the different regions were equally represented and treated on a national level.

52. Several observers from NGOs expressed concern about the negation of minority groups’ right to use their own language, expressed regret that there were no experts invited from groups working outside the United Nations in the field of racial discrimination and inquired about progress made by OHCHR on a project initiated after the World Conference

¹ Presentations made by invited panellists are available from www2.ohchr.org/english/issues/racism/groups/implementation8th.htm.

against Racism, Racial Discrimination, Xenophobia and Related Intolerance concerning parameters for measuring racism in different regions.

53. One delegate raised the issue of linking, in an operational manner, the collection of disaggregated data with the DDPA. Several delegates and members of NGOs strongly affirmed that racism was not in decline, but rather, new manifestations of racism were emerging.

54. Responding to questions raised by delegates, Mr. Sadi specified that, although the Committee on Economic, Social and Cultural Rights did not use the term structural discrimination, it was working on the phenomenon of structural discrimination.

B. National action plans as a tool to address issues pertaining to structural discrimination

55. Alvaro Bello, Director of the School of Anthropology of the University of Tumaco, made a presentation on national action plans as a tool to address issues pertaining to structural discrimination. Kgamadi Kometsi, National Coordinator on racism and non-discrimination of the Human Rights Commission of South Africa, made a presentation which outlined research done on one of the disadvantaged communities in South Africa.

56. Following the presentations of Mr. Bello and Mr. Kometsi, discussions were held on the importance of data collection, outreach and communication, and the need to implement national action plans for States who have not yet done so. One delegate called for States to recognize the reality of racism and racial discrimination and the long-term impact of colonialism on societies.

57. Following questions raised by delegates, Mr. Kometsi said that the choice of the various actors who would participate in the drafting of the national action plan as well as a lack of resources were among the challenges faced by the drafters of the South African national action plan. Responding to a question by a delegate, Mr. Kometsi stressed the importance of establishing an independent body specifically mandated to monitor the national action plan.

C. Approaches at regional and national levels

58. Marcello Scarone Azzi, Chief of the Struggle against Discrimination and Racism Section in UNESCO, made a presentation on the organization's efforts against discrimination in education and the fight against discrimination at a structural level. João Carlos Nogueira, Vice-Minister of the Secretariat of Policies for the Promotion of Racial Equality in Brazil, made a presentation highlighting his country's policies for the promotion of racial equality. Jerald Joseph, Executive Director of Dignity International, Malaysia, made a presentation on the South-East-Asian regional response to discrimination

59. Following the presentations made by the panellists, several delegates paid tribute to the efforts of Brazil in the fight against discrimination and, more specifically, the enactment of the Statute of Racial Equality. Responding to a question raised by a delegate, João Carlos Nogueira stressed the positive impact of affirmative action policies in the fight against discrimination, referring in particular to the access of Afro-Brazilian students to higher education. In response to a point raised by a panellist, a delegate explained that, although his country had not ratified the Convention on the Elimination of All Forms of Racial Discrimination, it complied with the standards thereof.

60. In further discussions between delegates and panellists, it was stated that the fight against discrimination implied a wide participation by civil society actors and

communication campaigns guaranteed by freedom of speech. In that context, Mr. Azzi explained that UNESCO has been using sports by involving a football club in a campaign against racism and discrimination. He suggested that similar campaigns be extended for the next Olympic Games and Football World Cup. Discussions also highlighted the need to ensure quality of education in addition to equal access to education.

61. Stefan Olsson, Head of Unit “Equality, Action against Discrimination: Legal Questions”, Directorate-General for Employment, Social Affairs and Equal Opportunities of the European Commission, made a presentation on the content and practice of the Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin – known as the “Racial Equality Directive” – in the European Union. Edna Santos Roland, the Independent Eminent Expert Group, presented the Latin American and Caribbean experience in approaches to structural discrimination.

62. One delegate expressed concerns about obstacles that arose in relation to the use of statistical data. Mr. Joseph noted, with reference to Ms. Santos Roland’s presentation, that the South-American model would set high standards to courts throughout the world.

63. Responding to a question raised by Mr. Joseph, Mr. Olsson stated that any undocumented migrant worker in the European Union would in theory be protected by the directives in question and could therefore take a case related to the violation of the rights guaranteed therein to a court in any member State. Mr. Olsson further explained, however, that member States could still expel an undocumented migrant worker in such a case because of his or her illegal status, in accordance with national law.

64. Ms. Santos Roland stated, with reference to a question raised by a delegate, that Brazil was the country with the largest number of affirmative action programmes in South America, followed by Colombia. The country’s affirmative action programmes were established mainly in the field of education.

65. Mr. Olsson responded to a question raised by a delegate by stating that the directives presented earlier included the possibility for member States of the European Union to implement such measures, provided that they did not constitute discrimination. In that context, he also referred to the case law of the European Court of Justice and the difficulty of adopting positive measure without violating the principle of equal treatment.

66. Mr. Olsson explained, with reference to a question raised by a delegate, that, while the terms race and racial discrimination were not defined in European Union directives because the organization did not recognise the concept of race, some member States applied criteria similar to those established by the British House of Lords in a case from the 1980s on access to education by a Sikh boy.

IX. Final statements

67. Final statements were made by delegates speaking on behalf of regional groups and as representatives of their own countries to pay tribute to the Chairperson for his efforts to facilitate the Working Group’s work in an efficient and action-oriented way during its seventh and eighth sessions.

68. The delegate speaking on behalf of the European Union explained its position on the conclusions and recommendations on migration, in particular on the paragraph referring to ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. The delegate stated that European Union member States had considered signing and ratifying this instrument, as a matter of priority, however, the text of

the Convention raised several insurmountable difficulties for them. It was indicated that the scope of that instrument, which covered both workers in regular and irregular situations, treating them on equal footing, posed a problem since both European Union immigration policy and national policies clearly distinguished between the two. The status of legally residing immigrants in the European Union member States was identical to that of European Union nationals, in terms of education, health assistance, housing, social security or pension treatment. One of the priorities of the European Union was to combat irregular migration, especially as organized by human rights trafficking networks. The delegate added that, although irregular migrants were not automatically granted a right to reside on the territory of European Union member States, their human rights were fully respected. This fundamental distinction between regular and irregular migration was an integral element of the European Union's Global Approach to Migration. The delegate stated that it was unlikely that European Union member States would ever be in a position to sign and ratify the Convention and the lesson to be drawn from that example was that, when drafting new United Nations instruments, due care should be given to their universal nature. Additionally, the delegate reaffirmed that the European Union had understood that the recommendation contained in paragraph 85 (a) of the present report referred to regular migrants.

X. Conclusions and recommendations

A. Conclusions and recommendations from the seventh session of the Working Group

1. Protection of children

69. **The Working Group calls upon States to fulfil their obligations and commitments related to the protection of children as contained in the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.**

70. **The Working Group further calls upon all relevant bodies, such as the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, to take into consideration the respective paragraphs on protection of children in the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.**

71. **The Working Group invites Member States to include in their periodic reports to the Committee on the Rights of the Child information on measures undertaken to implement the respective paragraphs on protection of children from the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.**

72. **The Working Group invites Member States and other stakeholders, including relevant human rights bodies and international organizations, in particular the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child, to submit to OHCHR all pertinent information, inter alia, relevant legislation, good practices and reports related to child protection against racism, racial discrimination, xenophobia and related intolerance, which will be placed on the website of OHCHR.**

73. **The Working Group encourages Member States to ensure registration of children at birth in accordance with paragraph 56 of the Durban Programme of Action.**

74. The Working Group invites Member States to intensify awareness-raising activities, in partnership with children, national human rights institutions, regional organizations, civil society organizations and other stakeholders, to combat the pernicious effects that racism, racial discrimination, xenophobia and related intolerance have upon children.

75. The Working Group encourages Member States to prohibit violence against children, in accordance with the Convention of the Rights of the Child and the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.

76. The Working Group invites Member States to ensure that children in vulnerable situations have appropriate access to child protection systems, including health care, education, social services and housing, in accordance with relevant international obligations.

77. The Working Group recognizes that the success of these conclusions and recommendations will require political will and adequate funding at the national, regional and international levels, and international cooperation.

78. The Working Group further recommends that the following issues pertinent to the subject of the protection of children against racism, racial discrimination, xenophobia and related intolerance form the basis, among others, for further discussions by this body during its future sessions:

(a) Assessment of the implementation by all stakeholders, including Member States, of relevant provisions from the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference and the submissions to OHCHR foreseen in paragraph 72 of the present report, with a view for the Working Group to formulate recommendations, if necessary, on how implementation could be bolstered;

(b) In-depth discussion on the situation of children who suffer racism and intolerance with the participation of relevant special procedures and treaty bodies with the aim of defining adequate approaches and specific policy responses.

2. Migration

79. The Working Group acknowledges that:

(a) Migration occurs on a cross-regional, as well as intraregional basis;

(b) Rising violence against migrants, refugees and asylum-seekers poses a serious threat to social cohesion and is linked to racism, racial discrimination, xenophobia and related intolerance;

(c) The challenges faced by migrants are today compounded by new threats, such as the global financial crisis and economic downturn, climate change, food insecurity and organized crime, and encourages international organizations, academic institutions, Member States and civil society to carry further studies on these threats and their link with racism, racial discrimination, xenophobia and related intolerance.

80. The Working Group calls upon Member States to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as a matter of priority.

81. The Working Group reaffirms that Member States are under obligation to protect fully and effectively the human rights of all migrants, regardless of their immigration status, in accordance with their obligations under international law.

82. The Working Group invites States to:

(a) Adopt a human rights-based approach to migration and take measures towards that goal;

(b) Design and implement awareness-raising campaigns and activities on migration aiming to prevent and eliminate negative perceptions of migrants, with particular emphasis on the promotion of intercultural dialogue and the values of solidarity, respect, tolerance and multiculturalism;

(c) Formulate and implement training programmes for law enforcement, immigration and border officials, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

(d) Adopt specific measures, including laws, on the protection of migrants and address the specific needs and vulnerabilities of migrants, in particular with regard to access to justice, health, education, housing and employment, in accordance with their obligations under international law and their commitments under the Durban Declaration and Programme of Action;

(e) Take measures to facilitate the integration of migrants, with due respect to their cultures;

(f) Put in place institutional frameworks and laws that effectively protect women and children migrants;

(g) Adopt national action plans against racism that provide for the protection of migrants and are based on cooperation between Government, employers, trade unions and civil society and ensure their implementation;

(h) Identify, broadly disseminate and share good practices on migration;

(i) Implement their obligations under relevant International Labour Organization (ILO) and United Nations conventions, inter alia, ILO Convention No. 111 (1958) concerning Discrimination in respect of Employment and Occupation, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(j) Urge cooperation among social partners, civil society and Governments in effectively implementing the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference;

(k) Combat and eliminate negative stereotyping of migrants in public discourse.

83. The Working Groups invites ILO, the International Organization for Migration, OHCHR, the United Nations Development Programme, UNESCO, the Office of the United Nations High Commissioner for Refugees, UNICEF, the United Nations Entity for Gender Equality and the Empowerment of Women and all other relevant international, regional, interregional and subregional organizations to take further actions, regarding racism, racial discrimination, xenophobia and related intolerance linked to migration, in accordance with their mandates.

84. The Working Group invites employers, trade unions, politicians and civil society to take action with regard to the problems of migration and its link to racism, racial discrimination, xenophobia and related intolerance.

85. The Working Group recognizes that migration (and associated increased labour mobility) represents one of the long-term solutions to labour and skills needs in evolving economies throughout the world. The Working Group believes that immediate measures and policy responses are required to mitigate the negative impact of any economic and/or financial crisis on the human rights and fundamental freedoms of migrant workers. In this regard the human rights of migrant workers should be guaranteed in particular in the context of the overall efforts to promote a comprehensive approach to overcome crises. In this regard, the Working Group recommends four broad areas for intervention:

(a) Shoring up just and decent work conditions and protection of migrant workers in destination countries;

(b) Taking measures to combat trafficking and forced labour of migrant workers, regardless of their immigration status;

(c) Enhancing employment creation and social safety-net protections for returning migrants in countries of origin and recognizing the importance of fostering international cooperation in this regard;

(d) Taking all appropriate legal and administrative measures to prevent and combat the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants, including on the basis of religion or belief, and to prosecute perpetrators of violent acts; and emphasizing the necessity to appropriately address the stereotypes often applied to migrants.

3. Employment

86. The Working Group urges States to consider ratifying and fully implementing ILO Convention No. 111 and ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, as a matter of priority.

87. The Working Group calls upon Member States to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as other relevant United Nations conventions, as a matter of priority.

88. The Working Group urges States to adopt legislation, where they have not already done so, that in particular prohibits racism, racial discrimination, xenophobia and related intolerance in accessing employment and protects workers from such discrimination in the workplace.

89. The Working Group calls upon States, in collaboration with various stakeholders, in particular employers and trade unions, to implement effective awareness-raising campaigns and training programmes to combat racism, racial discrimination, xenophobia and related intolerance and negative stereotyping in the workplace.

90. The Working Group encourages States to establish observatories at the national level to monitor racism, racial discrimination, xenophobia and related intolerance in relation to employment, including mechanisms for the reception of complaints and measures for addressing racism, racial discrimination, xenophobia and related intolerance, where it is found to exist.

91. The Working Group requests that examples of relevant legislation, good practices and other pertinent information related to non-discrimination in the area of employment be placed on the website of OHCHR.

92. The Working Group urges States to ensure the prevention and detection of racism, racial discrimination, xenophobia and related intolerance in the workplace through effective training for officials operating in the framework of existing relevant national mechanisms and bodies, including, as appropriate, labour inspectors, to detect and prevent such discrimination in the workplace.

93. The Working Group calls upon States to adopt measures promoting equal employment opportunities in the public service aimed at eliminating discrimination against members of communities subject to racism, racial discrimination, xenophobia and related intolerance.

94. The Working Group encourages employers to provide scholarships, mentoring, internships and other similar measures to members of communities that are subject to racism, racial discrimination, xenophobia and related intolerance in accessing employment.

95. The Working Group encourages employers to consider implementing, when and where appropriate, the practice of using anonymous applications for job vacancies, as one of the effective tools to prevent and eliminate discrimination based on the name or ethnic origin of the applicant.

B. Progress in implementation of recommendations adopted at the preceding session of the Working Group

96. The Working Group commends the United Nations High Commissioner for Human Rights and OHCHR for their efforts to ensure the implementation of the Durban Declaration and Programme of Action in combating racism, racial discrimination, xenophobia and related intolerance and requests that the Office prepares and makes available well in advance of the ninth session of the Working Group a note providing an overview of initiatives undertaken by OHCHR since the eighth session of the Working Group with regard to ensuring progress on implementation of recommendations adopted by the Working Group, during its eighth session.

97. The Working Group reiterates its support to the efforts by the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference in the whole United Nations system.

98. The Working Group reiterates the necessity of developing and effectively implementing national action plans, as a tool for combating racism, racial discrimination, xenophobia and related intolerance and welcomes the activities undertaken in this regard by the Office of the United Nations High Commissioner for Human Rights. The Working Group reiterates its call on States to draft, revise as necessary and fully and effectively implement national action plans against racism, racial discrimination, xenophobia and related intolerance and invites OHCHR to continue to assist States in this regard.

99. The Working Group urges Member States, international and regional organizations, civil society and other stakeholders to reply promptly to requests for information, including on collection of best practices and national action plans, sent by the Office of the United Nations High Commissioner for Human Rights.

100. The Working Group notes with appreciation the efforts made by the Chairperson of the Working Group to promote the effective implementation of recommendations contained in the report of the seventh session of the Working Group, in particular those related to the methodology of the Working Group, and encourages the Chairperson to continue his efforts in that regard.

101. The Working Group recommends that the Human Rights Council adopt at its next session the necessary measures for the full observance of article 124 of the Outcome Document of the Durban Review Conference.

C. The tenth anniversary of the adoption of the Durban Declaration and Programme of Action

102. The Working Group recalls the decision of the Human Rights Council to dedicate two working days of the eighth session of Working Group to preparing for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action.

103. The Working Group reaffirms that the Durban Declaration and Programme of Action provides the most comprehensive United Nations framework for combating racism, racial discrimination, xenophobia and related intolerance, and takes note with appreciation of the convening by the General Assembly of a one-day plenary event to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action during the high-level segment of the sixty-sixth session of the General Assembly in 2011. The Working Group:

(a) Recommends that the one-day plenary event during the high-level segment of the General Assembly should aim to mobilize political will, reaffirming commitment to the full and effective implementation of the Durban Declaration and Programme of Action. The Working Group invites the General Assembly, when finalizing the modalities for the high-level segment, to consider a short and concise outcome;

(b) Recognizes the importance of the involvement of NGOs in the observance of the tenth anniversary of the Durban Declaration and Programme of Action and invites States, local authorities, intergovernmental organizations and other actors to consider providing support for their organizing of and participation in the activities of the tenth anniversary;

(c) Invites interested stakeholders, including NGOs, to participate fully in the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action.

104. The Working Group highlights the importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization. In that regard, the Working Group:

(a) Invites Member States, international and regional organizations, civil society and other stakeholders to organize various initiatives to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action with high visibility that celebrate positive developments, address remaining challenges and are aimed at effectively increasing awareness at all levels;

(b) Requests the timely creation of a webpage devoted to the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at www.un.org. The webpage on the tenth anniversary

should also contain links to the websites of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 and the Durban Review Conference;

(c) Calls upon OHCHR to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference, including through the best use of the aforementioned website;

(d) Encourages OHCHR and the Department of Public Information to prepare user-friendly information materials on the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and widely disseminate these, through means and structures, such as United Nations information centres;

(e) Encourages OHCHR to design and issue age-appropriate educational materials aimed at increasing awareness of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference for the use of children and young people and also to make the aforementioned materials available online;

(f) Encourages States to consider organizing events, including of a cultural nature, related to the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and in the context of the International Year for People of African Descent.

105. The Working Group suggests that the commemoration by the Human Rights Council of the International Day for the Elimination of Racial Discrimination should focus on themes pertinent to the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the International Year for People of African Descent.

D. Structural discrimination

1. Structural discrimination — definitions, approaches and trends

106. The Working Group acknowledges the complexity of the phenomenon of structural discrimination and its evolving nature, and highlights that further efforts are needed with a view to exploring it in the context of the fight against racism, racial discrimination, xenophobia and related intolerance.

107. The Working Group, however, takes note that some of the views expressed during the panel discussion indicate that, in general terms, structural discrimination may refer to rules, norms, practices, patterns of attitudes and behaviour in institutions and other societal structures that represent obstacles to groups or individuals in achieving equal rights and opportunities. Such discrimination may be either open or hidden and could occur intentionally or unintentionally.

108. The Working Group also takes note that some of the views expressed during the panel discussion indicate that, in general terms, structural racial discrimination may refer to racist, xenophobic, intolerant or at face value neutral patterns of behaviour and attitudes within societal structures that may have disproportionate effect on specific individuals or groups of individuals in relation to their race, colour, descent or national or ethnic origin. According to some of the views expressed during the panel discussion, the existence of such discrimination is related inter alia to the persistence of deeply rooted racial prejudice and negative stereotypes in societies that perpetuate inequality.

109. Bearing in mind the above, the Working Group concludes that measures, including affirmative and positive measures, should be considered during further work on the phenomenon of structural discrimination.

110. The Working Group therefore encourages relevant United Nations human rights mechanisms, including the Human Rights Council's Advisory Committee to consider further studying, within their respective mandates, the phenomenon of structural discrimination in the context of combating racism, racial discrimination, xenophobia and related intolerance.

2. National action plans

111. The Working Group encourages OHCHR to develop a practical tool to assist stakeholders, including Governments, national human rights institutions, international and regional organizations and civil society to develop and implement national action plans against racism, racial discrimination, xenophobia and related intolerance.

112. The Working Group encourages OHCHR to continue convening regional and national workshops on development and implementation of national action plans against racism, racial discrimination, xenophobia and related intolerance.

XI. Presentation and adoption of the report on the eighth session

113. On 22 October 2010, the draft report was adopted ad referendum, and the Working Group decided to entrust the Chairperson-Rapporteur with its finalization.

Annexes

Annex I

List of attendance

Member States

Afghanistan, Algeria, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ireland, Jamaica, Japan, Jordan, Korea (Republic of), Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Lichtenstein, Lithuania, Libyan Arab Jamahiriya, Madagascar, Mali, Malaysia, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Viet Nam, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

Non-Member States represented by observers

Holy See.

Other observers

Palestine.

United Nations specialized agencies

United Nations Educational, Scientific and Cultural Organization (UNESCO).

Intergovernmental organizations

African Union, European Union, International Organization of la Francophonie (OIF).

Non-governmental organizations in consultative status with the Economic and Social Council of the United Nations (ECOSOC)

Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD-GL), African Commission of Health and Human Rights Promoters, Al-Hakim Foundation, Amnesty International, Association of World Citizens, Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED), Human Rights Watch,

Indian Council of South America (CISA), Indigenous Peoples and Nations Coalition, International Council for Human Rights, International Federation of University Women, International Movement against All Forms of Discrimination and Racism, International Youth and Student Movement for the United Nations (ISMUN), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Nord-Sud XXI, Rencontre africaine pour la defense des droits de l'homme, Tiye International.

Non-governmental organizations not in consultative status with the Economic and Social Council of the United Nations (ECOSOC)

Culture of Afro-Indigenous Solidarity, SOS Rassismus Deutschweiz.

Annex II

Agenda

1. Opening of the session.
2. Election of the Chairperson-Rapporteur of the Working Group.
3. Adoption of the agenda and programme of work.
4. Discussion and adoption of draft conclusions and recommendations on protection of children, migration and employment.
5. Review of progress on implementation of recommendations adopted at the seventh session of the Working Group.
6. Sharing of experience, including on good practices, implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.
7. The tenth anniversary of the adoption of the Durban Declaration and Programme of Action.
8. Thematic discussion on structural discrimination.
9. Presentation and adoption of the report on the eighth session.

Annex III

Programme of work of the first week

<i>Time</i>	<i>Monday, 11 October 2010</i>	<i>Tuesday, 12 October 2010</i>	<i>Wednesday, 13 October 2010</i>	<i>Thursday, 14 October 2010</i>	<i>Friday, 15 October 2010</i>
<i>Morning: session: from 10:00 to 13:00</i>	<p><u>Item 1:</u> Opening of the session</p> <p><u>Item 2:</u> Election of the Chairperson-Rapporteur</p> <p><u>Item 3:</u> Adoption of the agenda and programme of work</p> <p><u>Item 4:</u> Discussion and adoption of draft conclusions and recommendations on protection of children, migration and employment (A/HRC/13/60, para.107)</p>	<p><u>Item 4</u> (continued)</p> <p>Discussion and adoption</p>	<p><u>Item 5:</u> Review of progress on implementation of recommendations adopted at the 7th session (A/HRC/13/60, para. 95)</p> <p>a) Discussion</p> <p><u>Item 6:</u> Sharing of experiences, including on good practices, implementation of ICERD, the DDPA and the Outcome Document of the Durban Review Conference (A/HRC/13/60, para. 94)</p> <p>a) Discussion</p>	<p><u>Item 7:</u> The 10th anniversary of the adoption of the Durban Declaration and Programme of Action (HRC res. 14/16, para. 4, General Assembly res. 64/148, para.13)</p> <p>a) Discussion</p>	<p><u>Item 7</u> (continued)</p> <p>a) Discussion</p>
	<i>Afternoon session: from 15:00 to 18:00</i>	<p><u>Item 4</u> (continued)</p> <p>Discussion and adoption</p>	<p><u>Item 4</u> (continued)</p> <p>Discussion and adoption</p>	<p><u>Items 5 and 6</u> (continued)</p> <p>a) Discussion</p>	<p><u>Item 7</u> (continued)</p> <p>a) Discussion</p>

Programme of work of the second week

Time	Monday, 18 October 2010	Tuesday, 19 October 2010	Wednesday, 20 October 2010	Thursday, 21 October 2010	Friday, 22 October 2010
<i>Morning: session: from 10:00 to 13:00</i>	<p><u>Item 8: Thematic discussion on structural discrimination</u></p> <p>a) Definitions, approaches and trends</p> <p><u>Presentations by:</u></p> <p>-Ms. Mirjana Najcevska, Chairperson of WGPAD</p> <p>-Mr. Ion Diaconu, Rapporteur of CERD</p> <p>-Ms. Ferdous Ara Begum, member of CEDAW Discussion</p>	<p><u>Item 8 (a)</u> (continued)</p> <p>➤ Discussion</p> <p><u>Item 8</u></p> <p>b) National Action Plan as a tool to address issues, pertaining to structural discrimination</p> <p><u>Presentations by:</u></p> <p>- Mr. Alvaro Bello, Director, School of Anthropology, University of Temuco</p> <p>- Mr. Kgamadi Kometsi, National Coordinator on racism and non-discrimination, Human Rights Commission, South Africa</p> <p>➤ Discussion</p>	<p><u>Item 8</u></p> <p>c) Approaches at regional and national levels</p> <p><u>Presentations by:</u></p> <p>- Mr. João Carlos Nogueira, Vice Minister, Secretariat of Policies for the Promotion of Racial Equality of Brazil</p> <p>- Mr. Marcello Scarone Azzi, Chief a.i., Struggle against Discrimination and Racism Section, UNESCO</p> <p>- Mr. Jerald Joseph, Executive Director, Dignity International (Malaysia)</p> <p>➤ Discussion</p>	<p><u>Item 8</u></p> <p>d) Draft conclusions and recommendations on structural discrimination</p> <p>➤ Discussion</p>	<p><u>Item 8</u> (continued)</p> <p>d) Draft conclusions and recommendations on structural discrimination</p> <p>➤ Discussion</p>

Item 8 (a)
(continued)Presentations by:

- **Mr. Githu Muigai**, SR
on racism
 - **Mr. Waleed Sadi**, Vice-
Chairperson of CESCR
 - **Mr. Hatem Kotrane**,
member of Committee on
the Rights of the Child
 - **Ms. Ana Elizabeth
Cubias Medina**, member
of Committee on Migrant
Workers
- Discussion

Item 8 (b)
(continued)**Item 8 (c)**
(continued)

- **Mr. Stefan Olsson**,
Head of Unit “Equality,
Action against
Discrimination: Legal
Questions”, Directorate-
General for Employment,
Social Affairs and Equal
Opportunities, European
Commission
 - **Ms. Edna Santos
Roland**, Independent
Eminent Expert
- Discussion

Item 8
(continued)**d) Draft conclusions and
recommendations on
structural
discrimination**

- Discussion

Item 9:
**Presentation and
adoption of the report
on the eighth session**