

**This document is the outcome of an international process before and during the NGO Forum of the WCAR held in Durban, South Africa 28 August – 1 September 2001.**

**The Declaration and the Programme of Action is based on the understanding that it reflects the regional processes and that the voices of the victims of racism, racial discrimination, xenophobia and related intolerance must be heard.**

**03 September 2001**

## **WCAR NGO FORUM DECLARATION**

1. **We**, the representatives of local, national and international non-governmental organisations (NGOs) and other civil society groups from around the world gathered in Durban/South Africa during the week of 28 August – 3 September 2001 for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), guided by our commitment in the struggle against racism and racial discrimination and inspired by the recommendations of the NGO Forums held in Strasbourg/France, Santiago de Chile/Chile, Dakar/Senegal and Tehran/Iran and the related sub-regional NGO meetings held in Warsaw/Poland, Kathmandu/Nepal, Cairo/Egypt and Quito/Ecuador, in preparation for the World Conference, hereby make the following Declaration:
2. **Solemnly acknowledging** all those who suffered for justice and freedom in South Africa and honouring the memory of those who sacrificed their lives for the struggle against Apartheid and celebrating the spirit of the South African people in building a new society free of racism and racial discrimination and recognising that as a beacon of hope for the world community.
3. **Saluting** all those who struggled against racism, racial discrimination, genocide, slavery, xenophobia and related intolerance, genocidal practices and all other forms of discrimination and exclusion, honouring the memory of those who have given their lives for this struggle, and other struggles against oppression and encouraging and supporting those that continue to fight against the scourge of racism.

4. **Taking note** of the fact that the declaration of Apartheid as a crime against humanity was a progressive step taken by the international community in its quest to eradicate this inhumane racist state system, and recalling the positive role of the world community in supporting the struggle of the South African people against Apartheid.
5. **Recognizing** that all human beings are born free and equal in dignity and rights, and have the capacity to contribute constructively to the development and well-being of their societies and, that all human societies ascribed towards shared values of dignity, equality, justice, tolerance, solidarity, pluralism and multiculturalism.
6. **Reaffirming** that all human rights are universal, indivisible, interdependent and inalienable, and that all human beings are entitled to all these rights irrespective of distinction of any kind such as race, class, colour, sex, citizenship, gender, age, disability, sexual orientation, gender identity, language, nationality, ethnicity, culture, religion, , caste, descent, occupation, social/economic status or origin, health, including HIV/AIDS status, or any other status;
7. **Recognizing** the richness of the diversity of cultures, languages, religions and peoples in the world and the potential within this diversity to create a world free of racism, racial discrimination, genocide, slavery, xenophobia and related intolerance,.
8. **Recognizing** that racism, racial discrimination, genocide, slavery, xenophobia and related intolerances are based on an ideological construct that assigns a certain group of persons a position of political, economic and social power over others through notions of racial superiority, colour, identity, dominance purity and majority status.
9. **Reaffirming** the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) definition that racist ideologies are 'scientifically false, morally condemnable, socially unjust and dangerous' and economically devastating and that there is no justification for racial discrimination in theory and in practice, anywhere.
10. **Recognising** the particular importance and role of the International Criminal Court in the eradication of racism, racial discrimination, xenophobia and related intolerance and emphasising the need for universal ratification
11. **Considering** that the roots of many contemporary manifestations of racism and racial discrimination can be located in the legacy of the slave trade, slavery, colonialism and foreign occupation which led to forced transplantation of peoples, massive dispossession of territories and resources and the destruction of political, religious and social systems for which acknowledgement and reparations were never made, and which created historical injustices based on ideologies of superiority, dominance and purity, the consequences of which continue to this day.

12. **Acknowledging** that in particular in countries in transition, the growth of aggressive nationalism and ethnocentrism are expressions of racism and xenophobia not rooted in the slave –trade but deeply embedded in historical prejudices and hatred towards ethnic and religious minorities that often lead to large-scale human rights violations, discrimination and persecution targeting specific groups such as Jews, Roma, Kurds, people from the Caucasus and Central Asia, Meskhetian Turks and even frequently resulting in ‘ethnic cleansing’ and crimes against humanity with elements of genocide, particularly in the former Yugoslavia and Chechnya.
13. **Acknowledging** the role played by United Nations in creating international legal rights and obligations against racism, racial discrimination, genocide, slavery, xenophobia and related intolerance, we nevertheless deplore the fact that efforts undertaken by governments and by the United Nations to implement these instruments and mechanisms are grossly inadequate, exclude civil society actors and have allowed perpetrators and accomplices to go unpunished.
14. **Appalled** by the persistent failure of governments and the United Nations to address injustices and violations committed by non-state actors including injustices and violations committed by no-state actors, including international finance and trade institutions, transnational corporations, and fundamentalist groups exacerbates and perpetuates racism, racial discrimination, xenophobia and related intolerance.
15. **Appalled** by the success and apparent increasing popularity of certain political parties and other groups that use racist and xenophobic ideologies in gaining and maintaining political power
16. **Recognizing** that state racism is often manifested by political and intellectual elites who exploit the nationalistic and xenophobic sentiments of the general public for political mobilization and legitimization of their authority and political power, not only in the traditional blatant ways but also in new, more covert, institutionalized forms, aggravated by the problem of denial of the very existence of racism by government officials.
17. **Recognizing** that while all religions are founded on principles that advocate peace, tolerance, non-discrimination, respect and acceptance of the other, and that freedom of religion, belief and conscience contribute to the attainment of the goals of world peace, social justice and mutual understanding among peoples, yet there are situations in which religion is misused to further political goals that promote racism, racial discrimination, xenophobia and related intolerance.
18. **Considering** that racism, racial discrimination, xenophobia and related intolerance are the basis of gross violations of human rights and hate crimes, create and maintain conflict, and thus hinder development and constitute a threat to peace and democracy and must be addressed by all appropriate means, including effective legal mechanisms at all levels.

19. **Affirming** that Indigenous Peoples are bearers of both collective and individual rights which include their right to self-determination and to the legitimate exercise of control over their resources and dominion of their territories on the basis of their historical and cultural identity and have the right and responsibility to transmit to future generations their ancestral territories and identity.
20. **Affirming** the right of the Palestinian people to self-determination, statehood, independence and freedom and the right of the return as stipulated in UN Resolution 194.
21. **Also affirming** the right to self-determination of all peoples, including the Hawaiian, Kurdish, Kashmiri, West Sumatran, West Papuan, Achenese, Sri Lankan Tamils, Tibetans, Roma and Travellers, the non-independent territories of the Americas, such as Puerto Rico, Martinique and Guadalupe, calling on the United Nations to devise mechanisms and procedures that enable the affirmation of that right, and in particular to respect UN Security Council Resolution 1359/2001 of June 29, 2001 on Western Sahara.
22. **Acknowledging** 50 years of ethnic conflict in Sri Lanka which has resulted in death, disappearances, rape, torture and destruction and affirming the right to self-determination of the Tamil minority.
23. **Recognizing** that certain cultural groups with a distinct identity such as Sikhs, Mohajirs, Sindhis, Balochs face barriers on a complex interplay of racial, ethnic, religious and cultural factors
24. **Recognizing** that globalization is a historically uneven process based on colonial and imperialist integration of the world economy and on maintaining and deepening unequal power relations between countries and regions of the world that exacerbates, global inequalities and conditions of poverty and social exclusion
25. **Deeply concerned** that current forms of globalization and policies of international financial and trade institutions as well as the activities of transnational corporations prevent the full realization of economic, social and cultural rights of all peoples, maintain and deepen the social exclusion of groups that are most marginalized and heighten tension and manifestations of racism, racial discrimination, xenophobia and related intolerance.
26. **Recognizing** that in the context of globalization, discriminatory labour practices experienced by men and women, youth and children and people with disabilities and documented and undocumented migrants groups who are already marginalized by racism, racial discrimination, xenophobia and related intolerance which makes them vulnerable to increased exploitation, poverty, and social exclusion
27. **Recognizing** the rights of all victims of slavery racism, racial discrimination, xenophobia and related intolerance to reparations of all forms

28. **Recognizing** environmental racism as a form of racial discrimination which refers to exploitation and depletion of natural resources and any environmental policy, practice, action or inaction that intentionally or unintentionally, disproportionately harms the health, eco systems, and livelihood of nations, communities, groups, or individuals, and in particular the poor.
29. **Acknowledging** that situations of armed conflict are often generated by racism, racial discrimination, xenophobia and related intolerances and that such conflicts in turn perpetuate racism and related forms of discrimination, emphasise that war crimes must urgently be prosecuted at the national level notwithstanding the establishment of the International Criminal Court.
30. **Noting** also with concern that armed conflicts create an environment conducive to heightened militarization, violence against women, young people and children in particular the girl child, and persons with disabilities, which result in situations of sexual slavery, rape and forced pregnancies. The proliferation and prevalence of armed conflict throughout the world, particularly in Africa where three quarters of the continent is currently experiencing a state of war or some form of armed conflict, is leading to the large-scale displacement of persons, massive outflows of refugees and internally displaced persons and increasing militarization of millions of children and young people and demand the granting of effective protection to these groups and respect for international humanitarian law.
31. **Denouncing** the direct role played by certain transnational corporations and governments which lead to an increasing militarization and nuclearization on a global scale and in particular concerned about trafficking and trading in arms, the proliferation of the arms and armaments industries, the production of destructive weapons including landmines and small arms at the cost of spending on social infrastructure, all of which violated the humanitarian laws of war and contribute to the perpetuation of racism, racial discrimination, xenophobia and related intolerance, and consequences thereof.
32. **Recognizing** the suffering experienced by many people as a result of the use of weapons of war including weapons of mass destruction, small arms, land mines against civilians
33. **Acknowledging** the violations of the human rights of the people of Vieques, Puerto Rico because of the actions of the US Navy, we demand an end to these military practices and return of occupied land to the people of Puerto Rico and payment of reparation to the victims
34. **Condemning** the US blockade of Cuba as a violation of the sovereignty of the Cuban people which results in gross violations of their human rights.

35. **Denouncing** strategies of some international agreements and international cooperation, such as the Andean Initiative and the Free Trade Area of the Americas project, as well as the Plan Colombia, which, under the guise of carrying out a war against drugs promotes large-scale internal displacement, accelerates dispossession and aggression against the Indigenous, Afro-descendants and peasant communities, leading to the denial of human rights including the right to self-determination, causing environmental degradation and the growth of militarization in the region
36. **Recognizing** that the persistence of racism, racial discrimination, xenophobia and related intolerance affirms the need for an inter-sectional analysis of discrimination which would address forms of multiple discrimination.
37. **Noting** that racism, racial discrimination, xenophobia and related intolerance create serious obstacles to the full enjoyment of human rights and result in aggravated discrimination against communities who already face discrimination on the basis of class, colour, sex, gender, age, disability, sexual orientation, gender identity, language, nationality, ethnicity, culture, religion or caste, descent, work, socio-economic status or origin, health, including HIV/AIDS status, or any other status.
38. **Recognizing** homophobia as a particular form of discrimination and a form of multiple discrimination that makes gay, lesbian, bisexual and transgendered persons even more vulnerable to all forms of violence including hate crimes and racialised violence.
39. **Affirming** that multiple forms of discrimination against women limit or negate women's potential for the full enjoyment and exercise of their human rights and fundamental freedoms in all spheres of life, that patriarchal social structures reinforce all forms of discrimination against women particularly those with disabilities, and that racism also creates other forms of patriarchal subordination of women.
40. **Gravely concerned**, that racism, racial discrimination, xenophobia and related intolerance adversely affect the full realisation of rights of the rights of everyone to enjoy the highest attainable standard of physical and mental health,
41. **Recognising** that people infected with or presumed to be infected with HIV/AIDS suffer serious forms of discrimination and exploitation., exacerbated by the WTO regulations which deny access to affordable treatments.
42. **Recognising** the important role played by young people in the preparation and the follow up of the WCAR and in adopting the Plan of Action submitted at the Youth Summit of the WCAR , acknowledge that young people are affected by multiple forms of discrimination which limit the full realisation of human rights, resulting in denial of their right to self-determination thus limiting their full and active political, economic, and social participation.

43. **Recognizing** that the slave trade, slavery and colonialism as crimes against humanity reinforced by apartheid and other policies of racial segregation and that the failure and refusal to acknowledge and make reparations for these crimes against humanity have played a critical role in entrenching racism, racial discrimination, anti-black hostilities, xenophobia and related intolerance. Consequently, African and African descendants are prime victims of deep seated racist and prejudicial practices which are manifest in current day exclusion and marginalization which they face in the African Diaspora and in Africa, which has paid and continues to pay a heavy price for this.
44. **Recognizing** that Asians and Asian Descendants including ethnic and religious minorities in Asian countries have experienced and continue to experience specific forms of racism and xenophobia from the legacy of slavery, colonialism, Apartheid, indentured servitude, internment, and exclusionary migration laws.
45. **Concerned** about increasing antisemitism which leads to violence and hate crimes against Jewish people in particular and passivity of governments in many countries with regard to prosecuting perpetrators of criminal hate acts.
46. **Concerned** that Anti-Arab racism is another form of anti-semitism and Islamaphobia that have led to violence and hate crimes.
47. **Denouncing** the pervasive nature of hate crimes, ethnic cleansing and genocide and other crimes against humanity including wars committed against members of communities that face colonialism, racism, racial discrimination, xenophobia and related intolerance and those who advocate for social change and self-determination
48. **Affirming** that members of far too many minority communities, including national, ethnic, religious and linguistic minorities are collectively and individually subject to all forms of racism and institutionalized discrimination including denial of citizenship, exclusion from political participation, denial of access to resources and a dignified standard of living, political repression and genocidal practices because some nation-state structures that are majoritarian deny the rights of minority communities including the right of self-determination.
49. **Recognizing** that the Chechen people still suffer large-scale violations of human rights and international humanitarian standards we stress that military operations in Chechnya are accompanied by a wide-scale hate campaign towards the Chechens, which in particular results in mass persecution and discrimination against people originating from the region of the Caucasus when they travel or reside outside their region.

50. **Acknowledging** that the Roma, who are a non-territorial nation, dispersed in a worldwide diaspora are denied their right to a cultural identity, are disadvantaged and experience discrimination, persecution, stigmatization, and violence on the basis of their social origin and identity.
51. **Recognizing** that Travelers experience comparable levels of racism and oppression to Roma throughout the world and in particular to the denial of their social, cultural, political and economic rights.
52. **Recognizing** that the caste system discriminates against and enables segregation of communities on the basis of work and descent, such as Dalits in South Asia, the Buraku people of Japan, the Osu and Oru people of Nigeria and the Griots of Senegal and other communities resulting in flagrant violations of human rights and dignity, with women and children of these communities being particularly vulnerable to barbaric forms of violence.
53. **Deploring** the lack of policies and programs that effectively address the intersectionality of the multiple forms of discrimination particularly faced by people with disabilities.
54. **Noting** with deep concern that racism, racial discrimination, xenophobia and related intolerance against documented and undocumented migrants, migrant workers and members of their families, refugees, asylum seekers, stateless and displaced persons is structural and systematic in character, is reflected in discriminatory legislation, policies and social and corporate practices, and manifest in both subtle and overt acts of hostility and violence against specific groups on the basis of differences in language, customs, religions, culture language, origin, customs and position in international power relations
55. **Recognizing** that xenophobia is a particular form of discrimination and intolerance which describes prejudices, practices, attitudes and behaviour that oppresses and rejects, excludes and vilifies persons who are already discriminated against because they are, or are presumed to be, foreigners or people of different ethnic, religious, linguistic or cultural background.
56. **Gravely concerned** about the failure of states to protect the rights of all those living within their borders especially in the face of increasing xenophobic acts against migrants, migrant workers and members of their family, refugees, asylum seekers, trafficked, stateless and internally displaced persons and in particular concerned about oppressive and restrictive immigration policies, the criminalization, stigmatisation, targeting and victimisation of these groups.
57. **Noting** with concern the increasing numbers of refugees, asylum seekers, stateless and internally displaced persons, including those displaced by economic processes and developmental projects most of whom are women and children, whose rights



are not fully and appropriately protected by the relevant international, regional and sub-regional legal instruments or national legislation, and who consequently are more vulnerable to racism, racial discrimination, xenophobia and related intolerance in the receiving regions and countries

58. **Recognizing** that trafficking in persons as a contemporary form of slavery based on patriarchal notions of sexuality and exacerbated by economic inequalities which primarily affects women and children of poor and marginalized communities and which takes place within and across many countries across the world including in Mauritania, Sudan, Cameroon and Niger.
59. **Recognizing** the need to give special consideration to the concerns and needs of victims of racism, racial discrimination, xenophobia and related intolerance including women, children, young people, persons with disabilities, people of African descent, Indigenous Peoples, gay, lesbian, bisexual and transgendered persons, disabled persons, the impoverished, and persons living in situations or countries in conflict, who are discriminated against by the criminal justice system, as well as to the incarceration and withholding of legal rights and services to asylum seekers and refugees.
60. **Recognizing** that victims of slavery, genocide, racism, racial discrimination, xenophobia and related intolerance have the right to effective civil remedies and criminal sanctions against government agencies , corporate institutions and their employees We also recognize that these victims, for victims have been disparately and , disproportionately targeted, prosecuted and sentenced due to their race, caste, nationality, ethnic background, religious beliefs or other differences.
61. **Drawing** inspiration from the slogan of the WCAR, 'UNITED TO COMBAT RACISM: EQUALITY, JUSTICE AND DIGNITY' and hopeful that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will affirm the commitment of the United Nations to developing practical, action oriented measures and strategies to combat racism, racial discrimination, xenophobia and related intolerance.
62. **Convinced** that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be an important occasion for healing, reconciliation and emancipation of the victims of racism, racial discrimination, xenophobia and related intolerance, and encouraged by the growing universal movement driven by civil society committed for the creation of a world free from racism, racial discrimination, xenophobia and related intolerances.

# **DECLARATION OF THE NGO FORUM**

## **AFRICANS AND AFRICAN DESCENDANTS**

63. Africans and African Descendants share a common history shaped by the slave trade, slavery, conquest, colonisation and apartheid, all of which constitute crimes against humanity, and a common experience of anti-Black racism. We acknowledge that people of African descent live all over the world, although in many instances they have been renamed, suppressed and marginalized. On every continent African and African Descendants continue to suffer from racism, discrimination, doctrines and practices of racial supremacy, hate violence and related intolerance. It is the complexity and intersection of these historical and continuing common roots, experiences and struggles to overcome them, that bind Africans and African Descendants together as a world community.
64. We affirm that the Trans-Atlantic Slave Trade and the enslavement of Africans and African Descendants was a crime against humanity and a unique tragedy in the history of humanity, and that its roots and bases were economic, institutional, systemic and transnational in dimension.
65. We further acknowledge the negative impact of the Trans-Saharan and Trans-Indian Ocean Slave Trade and slavery.
66. We recognise that the Trans-Atlantic Slave Trade and slavery, which constitute crimes against humanity, forced the brutal removal and the largest forced migration in history (over one hundred million), caused the death of millions of Africans, destroyed African civilizations, impoverished African economies and formed the basis for Africa's under-development and marginalization which continues to this date. We acknowledge that Africa was dismembered and divided among European powers, which created Western monopolies for the continued exploitation of African natural resources for the benefit of Western economies and industries.
67. We recognise also that part of the Trans-Saharan Slave Trade continues unabated to this day, despite international agreements that condemn slavery, and that the trafficking of African men, women and children for forced labour and enslavement is still ongoing in Cameroon, Mauritania, Niger and Sudan whilst these and other forms of involuntary servitude of Africans and African Descendants have resulted in substantial and lasting economic, political and cultural damage to the continent. This form of exploitation is particularly damaging to African and African Descendant women, who are still victims of sexual trafficking and sexual exploitation.
68. We condemn the Trans-Atlantic Slave Trade, slavery and colonization as crimes against humanity. Whereas Western economic institutions criminally exploited Africans and their descendants, used criminally transported people of Africa as chattel and continued to breed Africans as chattel. Post-slavery African Descendants

have endured official and de facto segregative policies of governments, affecting political, economic, educational, cultural and social rights, causing and legitimising theft of land and racial violence. African Descendants have suffered the loss of their culture, identities, and languages and have been victimised by the perpetuation of negative stereotypes, psychological damage, racial discrimination, economic disadvantage and the criminalisation of their peoples. These conditions have uniquely impacted African and African Descendant women whose bodies, familial roles and reproductive ability have been used as a tool of oppression and exploited for the production of economic wealth and whose forced labour under inhumane circumstances and the use of specific negative stereotypes all have been and continue to be used to maintain the subordinate position of African and African Descendant women at the bottom of the social, economic, cultural and political system.

69. We recognise that the development of Africa has been greatly impeded by the global imbalances in power created by the slave trade, slavery and colonialism as crimes against humanity and other forms of exploitation and is maintained and extended particularly by neo-colonial economic policies and practices including the pillage of human and material resources of Africa and the draining of its financial resources by foreign debt services. The legacy of these abhorrent crimes is manifested in wars, displacements and the precarious socio-economic situation in which Africans find themselves.

## **SLAVE TRADE AND SLAVERY**

70. Recognising that the Trans-Atlantic, Trans-Saharan and Trans-Indian Ocean slave trade and slavery constitute crimes against humanity and were based on economic exploitation, doctrines of racial supremacy and racial hatred and have subjected Africans and African descendants, Indigenous Peoples and many others to the most horrific denigration of their being including classification as sub-humans and chattel, subjugation to rape, forced labour, branding, lashings, murder, maiming, destruction of their languages, cultures, psychological and spiritual well-being resulting in structural subordination which continues to the present.

## **REPARATIONS**

71. Slave-holder nations, colonizers and occupying countries have unjustly enriched themselves at the expense of those people that they enslaved and colonized and whose land they have occupied. As these nations largely owe their political, economic and social domination to the exploitation of Africa, Africans and Africans in the Diaspora they should recognize their obligation to provide these victims just and equitable reparations.

72. The Trans-Atlantic Slave Trade, slavery and colonialism is a crime against humanity because of its abhorrent barbarism, its magnitude, long duration, numbers of people

brutalized and murdered and because of their negation of the very essence of humanity of their victims, therefore, reparations programs must be comprehensive enough in addressing all areas of concern including economic, educational, health, land ownership and possession as well as the racially biased systems of administration of justice that brutalize Africans and people of African Descent-

73. The Trans-Saharan and Trans-Indian Ocean Slave Trades and slavery must also be acknowledged and recognised as crimes against humanity, which brutalised communities and stripped people of their dignity, and for which those communities must receive justice and redress.
74. There is an unbroken chain from the slave trade, slavery, colonialism, foreign occupation, apartheid, racial discrimination and the contemporary forms of structural racism that maintain barriers to the full and equal participation of the victims of racism and discrimination in all spheres of public life;
75. The enslavement of Indigenous Peoples, the appropriation of their lands and exploitation of their resources must be acknowledged and repaired and the historic precedents for reparations to the victims of gross violations of human rights should be applied to them;
76. Victims of declared and undeclared wars throughout the world have had their human rights violated because of their race, ethnicity and the intersection of race, ethnicity and gender and disability and are in need of reparation;

## **ANTISEMITISM**

77. Antisemitism is one of the oldest, most pernicious and prevalent forms of racism which still exists and is even increasing in many areas of the world; recognizing the dehumanization, persecution and genocide of Jews in the Holocaust, as well as other minorities during and before World War II; deeply alarmed by the continued activities of proponents of Holocaust denial and Holocaust revisionism, Holocaust trivialization, Holocaust minimization and by the channelling of racist rhetoric and calls to violence on the Internet; noting with distress that Jewish people still suffer from persisting prejudices and are victims of a deeply rooted antisemitism in many countries throughout the world; distressed by the recent desecration of many Jewish cemeteries, synagogues, and Jewish communal buildings and other property, as well as an increase in harassment and assaults of Jewish people worldwide; convinced of the necessity of more effective measures to address the issue of antisemitism worldwide today in order to counter these phenomena and increase awareness about them.
78. Antisemitism remains a pervasive and ingrained form of religious discrimination and Jewish people are increasingly a racialized minority; recognizing that Jewish populations and institutions continue to be targets of threats and acts of violence in countries around the world, and documented overt acts of antisemitic harassment

and vandalism are on the rise; alarmed that extremist groups are proliferating at an alarming rate and propagating antisemitic and racist views and hate propaganda, increasingly on the Internet; deeply troubled by the electoral successes of far right parties, with an increasing presence in coalition governments; profoundly concerned that in many countries in the world, Jewish people live in fear, frequently terrorized by extremist groups, and discriminated against in employment, education, in the media and social services. ,

## **ARAB AND MIDDLE EAST**

79. Arabs as a Semitic people have also suffered from alternative forms of anti semitism, manifesting itself as anti Arab discrimination and for those Arabs who are Muslim, also as Islamophobia.

## **ASIANS AND ASIAN DESCENDANTS**

80. Asians and Asian Descendants face deep-seated racism and xenophobia, lack access to political, economic and social opportunities, are denied civil rights and liberties, and are victims of especially violent hate crimes, racial profiling, discriminatory employment and unjust immigration policies and practices. In some cases communities such as Sikhs and others with distinct identities composed of a complex interplay of racial, ethnic, religious and cultural factors face institutional discrimination due to the fact that they do not fit into traditional notions of race and ethnicity.

81. We note with concern that despite the contributions they have made to the countries where they live, and regardless of their long history of residence in these countries, Asians and Asian descendants continue to face distortion or omissions of their role in history in school texts and the media, and are viewed as inassimilable foreigners, security risks, spies and terrorists.

82. We are concerned that Diasporic Asian descendants are often criminalized and used as scapegoats for social and economic problems and international conflicts, and are subject to laws and practices that overtly and systematically discriminate against them.

83. We note with concern that Asian and Asian Descendant women in particular suffer many of the negative effects of globalization and of the intersection of sexism, racism and poverty, for example as manifested in the portrayal of Asian women as submissive and exotic sexual objects in the media as well as in traditional and historical negative attitudes that make them vulnerable to trafficking for prostitution as mail order brides, domestic workers, low wage or sweat shop workers, and as bonded labour.

## **CASTE AND DISCRIMINATION BASED ON WORK AND DESCENT**

84. Work and descent based discrimination, including caste discrimination and untouchability, being a historically entrenched, false ideological construct sanctioned by religion and culture, which is hereditary in nature and affects over 300 million people in the Asia Pacific and African regions at the personal, social and structural levels, irrespective of their religious affiliation.
85. The practice of untouchability, rooted in the caste system, stigmatises 260 million Dalits in South Asia as 'polluted' or 'impure', thereby denying them entry into places of religious worship, participation in religious festivals, assigning them menial and degrading work including cleaning toilets, skinning and disposal of dead animals, digging graves and sweeping, and the forced prostitution of Dalit women and girls through the traditional system of temple prostitution (Devadasi).
86. The system of 'Hidden apartheid' based on caste practices of distinction, exclusion and restrictions denies Dalits' enjoyment of their economic, social, political, cultural and religious rights, exposing them to all forms of violence and manifests itself in the segregation of housing settlements and cemeteries, segregation in tea stalls ('two-cup' system), denial of access to common drinking water, restaurants, places of worship, restrictions on marriage and other insidious measures all of which inhibit their development as equals.
87. Caste discrimination and 'untouchability' practised against generations of Dalits for centuries together amounts to systemic 'generational and cultural Daliticide', which is the mass-scale destruction of their individual and collective identity, dignity and self-respect for generations through cultural methods and practices.
88. Any action or even any sign of an attempt to act by Dalits either individually or collectively to assert their rights is met with extreme measures of violence such as burning or destruction of their homes, property and crops, social boycott, rape or gang rape of Dalit women and murder by dominant caste individuals or groups, police or the bureaucracy, and that in such instances the State often acts with impunity and in connivance with these perpetrators.
89. Work and descent based discrimination against the Buraku people of Japan has existed for over 400 years and continues to be experienced today by over 3 million people in relation to marriage, employment and education, with new forms of discrimination emerging such as discriminatory propaganda and incitement to discrimination against them, especially on the Internet.
90. The vulnerability of the victims of work and descent based discrimination, including caste discrimination and untouchability, is aggravated by legal systems and law enforcement machinery that fail to protect them and hence are responsible for the

continued perpetuation of discrimination, and by States that are themselves often the law-breakers.

## **CRIMINAL JUSTICE AND JUDICIAL SYSTEMS**

91. We recognize the obligations of governments to remove or amend in accordance with the International Convention on the Elimination of All Forms of Discrimination all forms of legislation, policies or practices that have the purpose or effect of discriminating against any person on the basis of race, religion, nationality, language, caste, ethnicity, or minority or refugee status, through the full integration of international instruments relevant to racism into national laws, regulations and administrative practices, and the identification and elimination at the national and local level of institutionalized racism existing in the policies, procedures, practices and culture of public or private criminal justice institutions.
92. We recognize the value and importance of the binding General Recommendations issued by CERD that CERD consider issuing a separate General Recommendation interpreting racial discrimination as constituting “degrading treatment” within the meaning of article 3 of European Charter of Human Rights as interpreted by the European Court of Human Rights.
93. We recognize the need to give special consideration to the concerns and needs of women, young people, persons of African descent, Indigenous Peoples, lesbian, gay, bisexual and transgendered persons, disabled persons, the impoverished, and persons living in situations or countries of conflict, who are affected by the criminal justice system, as well as to the incarceration and withholding of legal rights and services to asylum seekers and refugees.
94. We recognize the obligation to have effective remedies, including remedies against government agencies and officers, for victims of racial and other forms of discrimination who have been disparately impacted upon, disproportionately targeted, prosecuted and sentenced due to their race, nationality, ethnic background, religious beliefs or other differences.

## **COLONIALISM AND FOREIGN OCCUPATION**

95. Colonialism represents one of the most serious violations of national sovereignty of states and breach of international law, and in almost all colonial territories serious crimes against humanity were committed by colonial powers.
96. Foreign occupation creates an environment in which the occupied people are exposed to a wide range of systemic and gross violations of human rights and freedoms, including dispossession, displacement and denial of their right to self determination and women of occupied territories are subjected to rape, sexual slavery, forced pregnancy and other forms of violence against women.

97. Acknowledging that a foreign occupation which imposes an alien domination and subjugation with the denial of territorial integrity amounts to colonialism (according to the principles of the 'Declaration on the Granting of Independence to Colonial Countries and Peoples' of the UN General Assembly 1960) and denies the fundamental rights of self determination, independence and freedom of the people under occupation. It also creates an environment in which the occupied people are exposed to a wide range of systematic and gross violations of human rights and freedom. We extend our solidarity to the struggles for self – determination for people of Palestine, West Sumatra, Aceh-Sumatra, Bougainville, Nagaland, Assam, Meghalaya, Manipur, Tripura, North Cyprus, and other states and indigenous communities including the Kurdish people, the indigenous people in the north east of India and in the north east of Sri Lanka, in Tibet, Kashmir, Bhutan, Mindanao and the non independent countries of the Caribbean, like Puerto Rico and recognize the situation of other people living under foreign occupation in different parts of the world.
98. Recognizing further that the Palestinian people are one such people currently enduring a colonialist, discriminatory military occupation that violates their fundamental human right of self-determination including the illegal transfer of Israeli citizens into the occupied territories and establishment of a permanent illegal Israeli infrastructure; and other racist methods amounting to Israel's brand of apartheid and other racist crimes against humanity. Recognizing therefore that the Palestinian people have the clear right under international law to resist such occupation by any means provided under international law until they achieve their fundamental human right to self-determination and end the Israeli racist system including its own brand of apartheid.
99. Recognizing further that a basic "root cause" of Israel's on going and systematic human rights violations, including its grave breaches of the fourth Geneva convention 1949 (i.e. war crimes), acts of genocide and practices of ethnic cleansing is a racist system, which is Israel's brand of apartheid. One aspect of this Israeli racist system has been a continued refusal to allow the Palestinian refugees to exercise their right as guaranteed by international law to return to their homes of origin. Related to the right of return, the Palestinian refugees also have a clear right under international law to receive restitution of their properties and full compensation. Furthermore, international law provides that those Palestinian refugees choosing not to return are entitled to receive full compensation for all their losses. Israel's refusal to grant Palestinian refugees their right of return and other gross human rights and humanitarian law violations has destabilized the entire region and has impacted on world peace and security.
100. We are appalled at the situation of thirty million Kurdish people scattered in several countries including Turkey, Iraq, Iran and Syria, who are oppressively prevented from exercising their national legitimate rights of self determination. We deplore the policies of genocide and practices of ethnic cleansing against the Kurds. We strongly condemn all forms of discrimination against the Kurds, such as



confiscation of their lands, deportation and displacement of population, destruction of their culture, denial of their civil rights as well as their cultural and political rights.

101. We recognise the situation of 6 million Tibetan people suffering under 50 years of the occupation of their country who continue to suffer institutionalized forms of racial discrimination under the Chinese occupation, and condemn actions of the Chinese government that continues to exploit, explore and extract the rich minerals resources of Tibet, causing irreversible damage to the fragile eco-system on the Tibetan plateau.
102. We note with great concern the implementation of government policies of population transfer of millions of Chinese settlers into Tibet and the carrying out of coercive birth control practices against Tibetan women, which contributes to heighten discrimination against Tibetan people.
103. The monocultural and hegemonic practices of the Chinese government, through the school system and through other state institutions has caused forced integration and assimilation and deprived the Tibetan people of their human rights.

## **PERSONS WITH DISABILITIES**

104. Persons with disabilities are vulnerable or affected by multiple and intersectional discrimination based on race, ethnic origin, gender, age and other grounds and are victims of governmental and societal neglect.
105. A growing number of persons with disabilities are also victims of racism, racial discrimination, xenophobia and related intolerance, especially in situations of conflict and when victimised by religious persecution and other forms of intolerance.
106. In particular, persons with disabilities experience grave discrimination in having access to health, education, employment, sports, accommodation as well as access to public transport and buildings, and access to language, in situations when sign language and other forms of communication are not available, especially with regard to their reproductive rights and access to health education.
107. Exclusion and non-consideration of disability in the allocation of resources in particular basic essentials, assistive devices and other basic technology and communication devices is another key form of discrimination against persons with disabilities.

## **EDUCATION**

108. Education is critically important in combating and preventing prejudice as well as the protection of individual human rights and specifically with regard to Indigenous

Peoples, Dalits and minority and vulnerable groups and further recalling that many State parties have not yet implemented ICERD article 7.

109. Bearing in mind that education is a primary function of understanding human rights and freedoms, we deplore the fact that some educational systems are used as tools for advancing racist, sexist, casteist and supremacists ideologies and in doing so employ texts, documents and other tools of learning that convey pejorative images through omission of facts of past and present realities of Africans, Indigenous Peoples, Asians, Dalits, and their descendants and members of other minority and marginalized communities.
110. Considering that schools and other centers of learning play a critical role in shaping future generations, we recognise that current efforts in schools and other centers of learning to combat racism, including challenging racist and sexist language, pejorative images are woefully inadequate.
111. We also note with concern the lack of school curricula that meets international standards, recognizing the value of having a school curricula that is devoid of discriminatory content and that teaches the principles of equality, dignity, human rights and fundamental freedoms, adopting a holistic approach that includes a balance between a science and technology-based approach and an indigenous knowledge and philosophy based approach.
112. We recognize the historical, financial and other institutional barriers faced by Africans, Indigenous Peoples, Asians and their descendants and members of other minority and marginalized communities when they seek to access institutions of higher learning and particularly women and girls of disadvantaged and vulnerable communities.

## **ETHNIC AND NATIONAL MINORITIES AND GROUPS**

113. Members of many national, ethnic, religious, cultural and linguistic groups including on the basis of their being considered a minority are subjected, collectively and individually, to all forms of racism including denial of citizenship, exclusion from political participation, social and economic resources of the state, as well as genocide practices. We acknowledge that internal passport and residence permit system represent a policy leading to discrimination and expulsion of ethnic minorities and groups in many regions, in particular, in countries in transition. The ways in which nation- or ethnic-state structures strengthen majority rule is a main factor in such exclusion.
114. The enjoyment of rights based on principles of human dignity and liberty has been a historical challenge, particularly for people who became national minorities in their homeland through processes of colonization and dispossession of their land. These processes have led to the denial of the right of minorities and groups to sovereignty and self-determination and have placed limitations on the right of

women to transmit their nationality to their children, on an equal basis with men.

115. We assert that minorities and groups are entitled to affirm their right to self determination which includes, *inter alia*, the recognition of their history, national memory, historical land claims, language rights, cultural rights, religious rights as well as the right to share political power.
116. Affirmative action, through the use of temporary measures is a method of redressing historical injustices and has often been used to advance the cause of minority communities. Regrettably, however, it has sometimes been used by states to promote majoritarian ethno-nationalism, as in Malaysia and in Sri Lanka.

## **ENVIRONMENTAL RACISM**

117. Environmental racism is a human rights violation and is a form of discrimination caused by government and private sector policy, practice, action or inaction which intentionally or unintentionally, disproportionately targets and harms the environment, health, biodiversity, local economy, quality of life and security of communities, workers, groups, and individuals based on race, class, color, gender, caste, ethnicity and/or national origin.
118. We condemn the abuse of all forms of power, greed, and exclusion of victims of environmental racism from decision-making, unequal enforcement, non-existent or ineffective environmental laws and regulations, manipulation of media and language barriers to perpetuate and conceal the environmental harms to human health, displacement of people, depletion of natural resources, and the degradation of biodiversity all of which are manifestations of environmental racism targeting Indigenous Peoples, Africans and African descendants, Asians and Asian descendants, Middle Eastern Peoples, Pacific Islanders, Latinos, Caribbean Peoples, ethnic and national minorities and groups, and other social groups most vulnerable to practices of unsustainable development and militarization, especially children, women, the elderly, displaced, immuno-suppressed, as well as low and no income people.

## **GENDER**

119. An intersectional approach to discrimination acknowledges that every person be it man or woman exists in a framework of multiple identities, with factors such as race, class, ethnicity, religion, sexual orientation, gender identity, age, disability, citizenship, national identity, geo-political context, health, including HIV/AIDS status and any other status are all determinants in one's experiences of racism, racial discrimination, xenophobia and related intolerances. An intersectional approach highlights the way in which there is a simultaneous interaction of discrimination as a result of multiple identities.

## **GLOBALISATION**

120. Globalisation including structural adjustment policies, privatisation, trade liberalisation and unequal terms of trade create new and exacerbate already existing conditions of exclusion of all individuals and communities, particularly women, who are the victims of racism, racial discrimination, xenophobia and related intolerance.
121. We denounce processes of globalisation that concentrate power in the hands of powerful Western nations and multinational corporations, and that has an impact on every aspect of social life in every country and region, as racist and unjust. It widens economic inequalities within and between countries, further impoverishing and marginalizing masses of peoples, and places them at risk to the demand for cheap and informal labour in labour-importing countries. Tools of globalisation such as structural adjustment policies result in poverty, famine and the collapse of health and educational systems. Globalisation leads to economic and social disintegration, unemployment and marginalisation. It particularly implies both feminisation and racialisation of poverty. Compensatory measures must be extended in this context.
122. The processes of social exclusion that accompany globalisation create situations of polarisation that result in the disintegration of local communities and countries, sometimes leading to an increase in organised crime and ethnic conflicts.
123. Globalisation is the continuation of colonial and imperial control. It is inherently racist and anti-democratic, and creates a network of laws and policies that unevenly integrate the world through markets, trade, transnational corporations and information and communication technology.
124. The wealth and the power of globalisation is concentrated in the global capitalist class and is inherently linked to racism and casteism, including environmental racism, and leading to many different forms of violence, militarisation and nuclearisation of countries and cities. The UN itself is shaped by the same powers that control the process of globalisation.
125. New commodities, information and communication technologies that are apart of globalisation process increase the gap among "have" and "have nots", creating a free market for capitals and goods but restricting the movement of labour.

## **HATE CRIMES**

126. Members of marginalized and minority communities are targeted for hate crimes including burning of places of worship and religious symbols, sexual violence, desecration of places of worship, cemeteries and other sacred places. Violence against the leaders of such communities is of particular concern.
127. Hate crimes target individuals because of their identity and decimate lives and communities, stigmatizing individuals and communities, robbing people of personal

security, promoting fear, constraining lifestyles and participation in all aspects of society, causing psychological and physical harm, repressing and silencing demands for justice and self-determination, undermining peace and democracy, and reinforcing racism, racial discrimination, xenophobia and related intolerance. Women are particularly vulnerable to some forms of hate crimes, especially sexual violence.

128. Many peoples and members of marginalized and minority communities are subjected to hate crimes and/or ethnic cleansing as they attempt to exercise their right to self-determination, including the Kurdish, Chechen, Tibetan, Acehnese and West Papuan people, and Indigenous Peoples.
129. Hate crimes, ethnic cleansing and genocide include violence and murder, rape and other sexual violence, racist propaganda, incitements to violence, race riots, massacres, disappearances of members of communities advocating for social change and self determination and is perpetuated by organized hate groups, military, police, religious entities, governments, and individuals.
130. Ideological genocide has been committed against people in Indonesia in 1965-1966 resulting in the death, disappearance and torture of over 1 million suspected communists. None of the perpetrators or masterminds of this crime against humanity have been brought to justice. As a result, the xenophobic suppression of those expressing left-wing ideology continues to this day in Indonesia.

## **HEALTH AND HIV/AIDS**

131. Disadvantaged racial, ethnic and cultural vulnerable groups, Indigenous Peoples, migrants, people discriminated against based on caste, asylum seekers, refugees and internally displaced people, especially women, youth, children and people with disabilities face multiple forms of discrimination that result in poor health status, less access to affordable and good health care and lower quality of health services. In particular this has contributed to high rate of maternal mortality amongst women of these groups.
- ~~132.~~ We condemn the failure of governments, nongovernmental organizations and the private sector to respond aggressively to the AIDS pandemic which is exacerbated by international racism and reinforced by poverty, discrimination against women and poor health services.
133. Gender, sexual orientation, gender identity and disabilities in conjunction with race are often the basis for denial of access to quality, comprehensive, sensible cultural health care, including access to sexual and reproductive health services.
- ~~134.~~ We condemn the unscrupulous practices of the tobacco, alcohol, drug and gun industries in their targeting of disadvantaged communities, particularly the promoting and encouraging of smoking in developing countries.

135. Governments, non-governmental organizations, the private sector and the international community should ensure that health care providers/practitioners are trained to provide culturally appropriate care; and that members of African and African Descendant communities, indigenous communities and other vulnerable groups are adequately represented as health care providers. In order to assure cultural appropriate care, governments must permit and promote traditional health practices in coordination with traditional healers.
136. Governments and the international community should assure that the health care system is adequately funded, sustainable and effectively monitored; that the sources of funding for health care comes not only from the national government but also from the international community including cancellation of illegitimate debt and decreased military spending.
137. Lack of routine and systematic research on disparities in physical and mental health and inadequate collection of data on the basis of race, gender and socio-economic factors related to health status and health care of vulnerable groups and access to quality health care heighten difficulties in addressing the experiences of racism, social exclusion, and other forms of discrimination in health.
138. We deplore the attitudes and practices of certain international pharmaceutical companies as well as the indifference on the part of the international community that are contributing to the additional prevalence of this genocidal virus, particularly in so far as it affects the African continent and other countries in the developing world exacerbated by conditions of poverty and inequality.
139. Women are at higher risk for HIV infection because of the epidemic of sexual violence against them. Combating HIV/AIDS requires, among other things, that States eliminate legal and practical discrimination against women and girls and prevent, investigate, and punish acts of violence and discrimination against women.

## **INDIGENOUS PEOPLES**

140. Indigenous Peoples live in every region of the world, including the Arctic, Africa, Russia, the Americas, Europe, Asia, Australia and the Pacific amongst other areas, and everywhere they suffer gross discrimination and marginalization. The belief in the inferiority of Indigenous Peoples, in addition to the lack of consultation on matters that effect them, remains deeply embedded in the legal, economic and social fabric of many States and has resulted in the dispossession and destruction of Indigenous territories and resources, political, religious and social systems.
141. Indigenous Peoples continue to suffer the loss of their territories and resources, the destruction of their cultures, and violence directed at their peoples. Indigenous women and children, in particular, endure multiple forms of discrimination. This dispossession, violence and discrimination constitute flagrant violations of our human rights in contravention of the Universal Declaration of Human Rights.

142. Indigenous Peoples are peoples within the full meaning of international law. Indigenous Peoples have the right to self-determination by virtue of which they freely determine their economic, social, political and cultural development and the inherent right to possession of all of their traditional and ancestral lands and territories. The knowledge and cultures of Indigenous Peoples cannot be separated from their unique spiritual and physical relationships with their lands, waters, resources and territories. The denial or qualification of the self-determination of Indigenous Peoples is racist and lies at the root of Indigenous suffering. Structural racism in past and current manifestations of colonialism, invasion, apartheid, ethnocide and genocide has denied, and continues to deny Indigenous Peoples their fundamental right to self-determination.
143. Racism against Indigenous Peoples manifests itself in discriminatory laws and policies that perpetuate and exacerbate racism against Indigenous Peoples. These laws and policies include the denial of the status of Indigenous Peoples with the right to self-determination under international law, the militarization of indigenous lands and territories, doctrines that allow Indigenous territories to be taken without due process of law or adequate compensation, the unilateral extinguishment of indigenous land rights, the doctrine of plenary power, discrimination against Indigenous Peoples in the civil and criminal justice systems of States, failure to recognise the justice systems of Indigenous Peoples, the lack of equal participation of Indigenous Peoples in decision-making processes in matters that may affect their cultural, spiritual or physical integrity, the lack of respect for treaties, agreements and laws between Indigenous Peoples and States with no legal resource for Indigenous Peoples, the denial of protection of the religious freedom for Indigenous prisoners, the disproportionate incarceration of Indigenous Peoples, policies that deny, suppress or destroy Indigenous languages, and the presumption that Indigenous Peoples do not own subsoil resources under their lands.
144. Racism against Indigenous Peoples also manifests itself in many forms, including: forced and covert displacement; forced assimilation; forced removal of indigenous children from their communities; economic policies which exploit Indigenous resources without Indigenous consent and without returning any benefit to Indigenous communities; the use of sexual violence against Indigenous women as a weapon of war; misinformation and lack of reproductive information, imposition of dangerous contraceptives on Indigenous girls and women, and forced sterilisation of Indigenous girls and women; the appropriation of Indigenous intellectual and cultural property, including genetic property, and the use of the images of Indigenous peoples and individuals without their consent.
145. Religious Intolerance towards Indigenous spiritual practices and the profaning of indigenous sacred sites and objects has been a fundamental instrument in the subjugation of Indigenous Peoples since the invasion and the beginning of colonialism, and is a persistent evil that States must take action to end.

146. Environmental racism -- an historical form of racial discrimination -- has led to and continues to lead to the ruination of indigenous lands, waters and environments by the implementation of unsustainable schemes, such as mining, biopiracy, deforestation, the dumping of contaminated waste, oil and gas drilling and other land use practices that do not respect indigenous ceremonies, spiritual beliefs, traditional medicines and life ways, the biodiversity of indigenous lands, indigenous economies and means of subsistence, and the right to health.

## **LABOUR**

147. Racism, racial discrimination, xenophobia and related intolerance as experienced by most migrant, immigrant, indigenous as well as second generation descendent workers is manifested through multiple forms of discrimination practiced in the workplace and in the communities in which they live. These include restrictive and exclusionary immigration and labour laws and policies, the denial of trade union rights, exploitative working conditions, low wages and non payment of wages, denial or restriction of labour law protections based on types of job, lack of access to public services such as health, housing and social security. It also includes subtle and overt acts of hostility and violence based on colour, race, nationality, gender, age, caste, class and ethnicity. Full labour law protections must be afforded all workers with no discrimination based on occupation. This discrimination is structural in nature and contravenes international standards. Undocumented migrant workers are doubly at risk of racism and xenophobia. Their lack of legal status is too often used as an excuse to deny human rights, including access to the law and social services.

148. The negative effects of globalisation has a specific impact on workers. In particular globalisation has a negative effect on women who are trafficked as sex trade workers or employed as low wage and sweat shop workers.

149. Colonialism, slavery and other forms of servitude are primary sources of racism, race discrimination and xenophobia and despite international agreements to outlaw slavery, the trafficking of African children for slavery and forced labour is still ongoing whilst the enslavement and other forms of servitude of Africans and African descendants, Asian and Asian descendants and other marginalized groups have resulted in substantial and lasting economic, political and cultural damage to these peoples. This form of exploitation is particularly damaging to African and African descendant women, who are still victims of sexual trafficking and sexual exploitation, poverty and social exclusion

150. The policies and programmes of the WTO and International Financial Institutions, in particular the IMF and World Bank, often aggravate racism and other discriminatory practices.



151. Recognising the valuable role of trade unions, as democratic and representative organizations of working people and their unique functions of trade unions in fighting racism and discrimination in the labour market and in society generally, we recognize the central role of those affected by racism in developing, implementing and monitoring policies and programmes to eliminate racism.

## **MEDIA AND COMMUNICATION**

152. We affirm the fundamental right to freedom of expression and freedom of the press as a key tenet of human rights and a free democracy. We recognize, however, that media plays an important role in shaping people's attitudes and beliefs about race and this impact is increasing with globalization and increasing concentration of media ownership.

153. We believe that information and communication technology can be used as a positive tool to combat racism, racial discrimination, xenophobia, caste-based discrimination and related intolerance and can promote tolerance, respect for diversity in ways that help ensure opportunity, empowerment and access to information .

154. Information and communication technology is a factor in global inequities as developed countries not only have greater access to these technologies but are also producers of these technologies thereby rendering developing countries consumers. We urge equal development that results in greater equity and balance in both access to resources and training opportunities to develop key skills.

## **MIGRANTS AND MIGRANT WORKERS**

155. The restructuring of the global economy facilitates the transnational movement of capital but tries to restrict the and control the movement labour, thereby exacerbating regional economic inequalities and the commodification and de-regularisation of migrant workers, and especially forcing workers into 'flexible' conditions of work which are exploitative and which undermine all universally accepted labour standards.

156. We express our concern that in many countries official programmes and actions aimed at controlling migration and regulating inter-ethnic relations result in new and covert forms of institutionalised racism. Migrants and migrant workers, both documented and undocumented, contribute in various ways to the well-being and enrichment of their own societies as well as of the societies in which they reside and work and their access to equal rights and opportunities in these countries, including access to permanent residency, citizenship, and the recognition of their own independent status in all immigration matters, especially for women and children must be recognised.

157. Migrants and migrant workers as well as members of their families are vulnerable to racism, racial discrimination, xenophobia and related intolerance. The technical qualifications, skills and expertise of migrants and migrant workers need to be valued, and their full and fair access to employment in both the public and private sector need to be ensured.
158. Women migrants and migrant workers, including those with disabilities, are especially vulnerable to all forms of violence and abuse due to the ways in which sexist and patriarchal ideologies frame the current international division of labour and contribute to the feminization of the work force, undervaluing women's work, and restricting women to sectors of employment such as domestic work and entertainment.
159. Acknowledging that immigrant and refugee women, young people, girls and children very often constitute a high proportion of workers in informal employment including home-working or outworking, domestic work, sweatshops and the sex industry. Language barriers, citizenship status, race discrimination and being part of an ethnic minority contribute to the vulnerability of women, girls and children who work in this sector. Governments should legislate to protect these women, girls and children, prioritizing their human rights and undertake awareness raising programmes, working with community organizations, ethnic communities and unions to ensure that migrant workers and refugees are not exploited and made aware of how to enforce their rights. Governments should also reform labour law to ensure that female dominated employment sectors enjoy complete labour rights protection.

## **PALESTINIANS AND PALESTINE**

160. Appalled by the on-going colonial military Israeli occupation of the Occupied Palestinian Territories (the West Bank including Jerusalem, and the Gaza Strip), we declare and call for an immediate end to the Israeli systematic perpetration of racist crimes including war crimes, acts of genocide and ethnic cleansing (as defined in the Statute of the International Criminal Court), including uprooting by military attack, and the imposition of any and all restrictions and measures on the population to make life so difficult that the only option is to leave the area, and state terrorism against the Palestinian people, recognizing that all of these methods are designed to ensure the continuation of an exclusively Jewish state with a Jewish majority and the expansion of its borders to gain more land, driving out the indigenous Palestinian population.
161. We declare that this alien domination and subjugation with the denial of territorial integrity amounts to colonialism, which denies the fundamental rights of self-determination, independence and freedom of Palestinians. Condemn this process of settler colonialism through the on-going collective punishments, expropriation and destruction of Palestinian lands, homes, property, agricultural land and crops; the establishment of illegal Israeli settlements, the mass transfer of Israeli Jewish

populations to the illegally expropriated Palestinian land and the development of a permanent and illegal Israeli infrastructure, including by-pass roads.

162. We declare Israel as a racist, apartheid state in which Israel's brand of apartheid as a crime against humanity has been characterized by separation and segregation, dispossession, restricted land access, denationalization, "bantustanization" and inhumane acts.

163. Appalled by the inhumane acts perpetrated in the maintenance of this new form of apartheid regime through the Israeli state war on civilians including military attacks, torture, arbitrary arrests and detention, the imposition of severe restrictions on movement (curfews, imprisonment and besiegement of towns and villages), and systematic collective punishment, including economic strangulation and deliberate impoverishment, denial of the right to food and water, the right to an adequate standard of living, the right to housing, the right to education and the right to work.

164. We recognize that targeted victims of Israel's brand of apartheid and ethnic cleansing methods have been in particular children, women and refugees and condemn the disproportionate numbers of children and women killed and injured in military shooting and bombing attacks. Recognize the right of return of refugees and internally displaced people to their homes of origin, restitution of properties, and compensation for damages, losses and other crimes committed against them, as guaranteed in international law.

165. Appalled by the discrimination against the Palestinians inside Israel which include: The imposition of discriminatory laws, including the discriminatory laws of return and citizenship, which emphasize the ethnicity of the Israeli state as a Jewish state; the granting of benefits or privileges solely to the Jewish Israeli citizens; the imposition of restrictions on the civil and political rights of Palestinians because of their national belonging or because they do not belong to the majority ethnic group; The negation of the right of Palestinians to equal access to resources of the State and civil equality, including affirmative action policies, which recognize the historical discrimination against Palestinians inside Israel.

## **REFUGEES, ASYLUM SEEKERS, STATELESS AND INTERNALLY DISPLACED PERSONS**

166. There is an inextricable link between racism, racial discrimination, xenophobia and related intolerance and the creation of situation which generate refugees, asylum seekers, stateless and displaced persons.

167. In situations of flight and displacement, in refugee camps and in the process of resettlement, refugees, asylum seekers, stateless and displaced persons are especially vulnerable to all forms of violence and abuse, especially during their integration

168. We are particularly concerned about the situation of the Bhutanese people forcibly displaced from their country under the racist 'One Nation One People' policy, which has reallocated the land of these legitimate Bhutanese citizens to other ethnic groups and deliberately delayed their peaceful repatriation.
169. Women constitute 80% of the world's refugees. Women refugees, asylum seekers, stateless and displaced persons are victimised due to the intersectionality of gender and disability and other forms of discrimination and face many difficulties in every stage of their flight and displacement.
170. We call for the recognition of racial discrimination against refugees on grounds of ethnicity, nationality, sexual orientation and gender identity which negatively affects their legal status and conditions of integration and resettlement.
171. The physical and psychological conditions of asylum seekers, recognized and unrecognized refugees, stateless persons should be recognised especially to ensure that those of them who are victims of torture and detention in their countries of origin are not detained in receiving countries. The permanent, statutory presence of humanitarian organizations to help and assist refugees, should be provided by law, funded by the State and programmed in a pluralistic manner.

## **RELIGIOUS INTOLERANCE**

172. We welcome the initiative of the UN Secretary General in convening the Millenium Peace Summit for World Spiritual and Religious Leaders in celebrating the 20<sup>th</sup> anniversary of the UN Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief and look forward to the full implementation of its conclusions by all States.
173. We recognize that some religious communities and institutions have acknowledged their historical complicity in perpetrating the ground for, or reinforcing colonization, apartheid, the Slave Trade and slavery, and call for all other concerned religious institutions to undertake the same action to declare and denounce racism and racial discrimination as immoral and inhumane.
174. The freedom of expression, thought, conscience, religion and belief without any distinction, exclusion or restriction or preference should form the basis on which States protect the right of individuals and groups to profess and practice their own religion or belief as well as to ensure their right to effectively participate in civil, political, economic, social and cultural life.

## **ROMA NATION**

175. *Anti-Tziganisms* is a specific form of racism and racial discrimination against Roma, manifested by stigmatization, flagrant violations of their fundamental human rights, denied access to public services, education, employment, denied

participation to decision-making processes at local and central administration levels, persecution, abuse, violence, forced deportation, ethnic cleansing, extermination and ethnocide.

176. Drawing lessons from history, we declare as crimes against humanity the slavery of Roma, the ethnocide / forced assimilation and genocide against Roma and the extermination of Roma during the Holocaust.
177. Acknowledging the transnational character of the Roma identity and its common roots from India, we strongly support the right of Roma to be recognized by the UN, by the regional inter-governmental bodies and organizations, by States and by the whole world, as a non-territorial nation.
178. Deploring the public educational policies that deny the development of the esteem of children and youth of Roma, we strongly condemn monocultural autarchic and inflexible educational systems which ignore or stigmatize the Roma cultural identity.
179. We deplore the lack of equal access to employment and social services, including justice, citizenship, housing, schooling, health care and public information for Roma and particularly Roma women, strongly condemn those legislative provisions and public policies that encourage such practices or avoid measures to combat them and consider this fact as being institutionalized racism.

## **SEXUAL ORIENTATION**

180. Despite the existence of binding international agreements and conventions establishing the principles of non-discrimination and equality without distinctions regarding race, age, language, ethnic group, culture, religion, disability or other status, and growing recognition of the freedom of sexual orientation as a fundamental human right, there remain serious obstacles to the full enjoyment of civil and political rights, as well as economic, social and cultural rights of lesbian, gay, bisexual and transgendered persons.
181. There are high rates of physical, sexual and psychological violence in the public domain and in private life as well as hate crimes against lesbian, gay, bisexual and transgendered persons, particularly in cases aggravated by other forms of discrimination.
182. Discrimination and intolerance based on sexual orientation and gender identity have led to high suicide rates among lesbian, gay, bisexual, and transgendered persons in many parts of the world.
183. Whenever measures are not taken to provide a clean environment because of discrimination on the basis of race, gender, ethnicity, caste and untouchability, age, sexual orientation, gender identity, disabilities, religion, culture, social status,

nationality and other forms of discrimination, has often caused increased health problems for many members of these groups.

184. We note with great concern that racism, racial discrimination, xenophobia and other intolerance, including homophobia and sexism, have played a significant role in barring access to education and treatment for those infected, presumed to be infected and affected by HIV/AIDS.

185. We also note with deep concern the dissemination in the media Of stereotypes and pejorative images of Africans, African descendants, Indigenous Peoples, Dalits, migrants and other groups affected by intolerance and discrimination and particularly, women and lesbian, gay, bisexual and transgendered persons of these groups.

## **YOUNG PEOPLE AND CHILDREN**

186. Children and young people, particularly young Indigenous Peoples, African and African Descendants, Roma Peoples, Dalits, minorities and peoples of oppressed nationalities, ethnicities or caste within their States are discriminated against, excluded from and marginalized in the decision making processes, resulting in the limiting of the full and active participation in the political, economic and cultural sectors. In addition, children and young people, particularly girl children and young women and those with disabilities are discriminated against in education, health, civil and criminal justice, media and the environment.

187. We strongly condemn public educational policies that deny the development of children and young people's self-esteem, through monocultural autarchic and inflexible educational systems which ignore or stigmatise any children and young people, such as but not limited to Indigenous peoples, African and African Descendants, Roma Peoples, Dalits, minorities and peoples of oppressed nationalities, ethnicities or castes.

188. Young persons are often portrayed as criminals, based on stereotypes of race, class and sexual orientation, and this criminalization results in further marginalization of this community.

## **THE GIRL CHILD**

189. The girl child suffers numerous racist and discriminatory acts and behaviours, which compromise the girl child's development with her family, the community and society. This then impacts negatively on her physical, psychological, biological needs and on her sense of belonging.

190. The girl child suffers discrimination and intolerance rooted in wars and killings, which destroy significant members of her family. In addition, the girl child is

commercially exploited due to unfavourable economic, sociological and cultural factors, particularly, within families where boys are treated more advantageously.

## **TRAFFICKING**

191. Trafficking in persons is a form of racism that is recognized as a contemporary form of slavery and is aggravated by the increase in racism, racial discrimination, xenophobia and related intolerance. The demand side in trafficking is created by a globalized market, and a patriarchal notion of sexuality. Trafficking happens within and across borders, largely in conjunction with prostitution.
192. Women and children are especially vulnerable to trafficking, as the intersectionality of gender, disability, race and other forms of discrimination leads to multiple forms of discrimination.
193. Trafficking in persons must always be dealt with not purely as a law enforcement issue but within a framework of respect for the rights of trafficked persons.

## NGO FORUM PROGRAMME OF ACTION

### **This plan of Action is informed by the following guiding principles:**

194. Racism, racial discrimination, xenophobia and related intolerance are forms of discrimination based on historically unjust social, economic and political orders. These phenomena mutate, re-invent and continue to manifest themselves in contemporary societies, causing severe psychological scars and perpetuating deep inequality and poverty. Therefore, this Programme of Action, whilst acknowledging the past and its impact on the present, is forward looking, and requires a concerted and sustained effort from members of the global community in order to succeed.
195. Racism and racial discrimination are founded on ideologies of racial supremacy that have historically and systematically denied certain groups of people full enjoyment of their human rights and fundamental freedoms. The restoration of dignity to those who have suffered the consequences of these ideologies is central to our humanity.
196. The proliferation of racism, racial discrimination, xenophobia and related intolerance is sustained by a lack of political will on the part of governments and other political, economic and social actors. This indicates the magnitude of the task and the difficulties that lie ahead in eradicating racism.
197. The eradication of racism, racial discrimination, xenophobia and related intolerance, particularly contemporary forms of slavery, calls for a radical transformation of society, and for a re-ordering of global institutions which are presently dominated by rich countries and which have created a framework within which racist and other discriminatory practices can continue to flourish.
198. Within this context, the UN should, as a priority, initiate and engage in a process of restructuring that could more effectively implement the universal values of equality and justice as envisaged by the UN Charter, and work towards redressing current imbalances in global structures with a focus on addressing the core issue of poverty and inequality.
199. In light of the above, the NGO Forum for the WCAR salutes the courage of all those who have resisted and who continue to resist racism and all other forms of discrimination and commits to support all efforts aimed at redressing past and present violations through reparations and other remedies, based on the acknowledgement of racism derived from historical privileges and prevailing in every part and country of the world.



## LEGAL MEASURES

We the NGO Forum :

200. **Recognizing** that racism, racial discrimination, xenophobia and related intolerance constitute gross violations of human rights which threaten and undermine democratic societies and the Rule of Law and that institutional and structural racism manifests itself directly and indirectly in the laws, policies and practices of governments, institutions, public service sector and multinationals, declare that these violations must be addressed by appropriate legal measures, policies and practices
201. **Recognizing** that Global economic institutions such as the World Bank, the International Monetary Fund and the World Trade Organizations are dominated by the G7 countries and that they perpetuate economic and social injustices in the developing nations, call upon the United Nations to urgently review and address the structural imbalances and inequalities in such institutions, in order to ensure equal access of opportunity and equality between developed and developing nations. All States and governments and the United Nation should ensure that these institutions meet all human rights standards and universal values.
202. **Recognizing** that multinationals operate in a Global environment without effective laws, policies and practices to regulate them. Multinationals are often guilty of committing gross human rights violations in developing countries and that this perpetuates economic, political and social injustice thus causing further instability. We call upon the UN to appoint a special Rapporteur whose mandate should be to investigate and to report on the role of multinationals in the commission of gross human rights violations and such practices that perpetuate racism, racial discrimination, xenophobia and related intolerance in all countries. The Report should make specific recommendations relating to the establishment of a Special Covenant to govern the conduct of multinationals globally
203. **Recognizing** that the structure of the Security Council perpetuates economic and social injustice and racism, call upon the United Nations to restructure the Security Council to address the imbalance in voting powers that has resulted in the perpetuation of racism for decades. Such restructuring should address the issue of permanent and non-permanent membership so as to ensure equity in the decision making process.
204. **Recognizing** the concerns of marginalized groups and persons within the global community of the role and accountability of the Judiciary about the application and interpretation of laws the impact of which perpetuates racism. We call upon the Commission on Human rights to expand the mandate of the Special Rapporteur on the Independence of Judges and Lawyers to deal with questions of accountability of

the Judiciary and make recommendations in respect thereof. The mandate of the Rapporteur should also include recommendations on the training of Judges particularly in the areas of human rights and humanitarian law and contemporary forms of racism within the system. The Special Rapporteur on contemporary forms of racism should have his mandate extended similarly.

205. **Recognizing** that the efforts of the UN High Commissioner to effect positive changes in Humanitarian law are severely hampered by the paucity of the budget allocated to such office, call upon the UN to provide that office with a regular and proper budget to ensure its effective functioning of that office.

206. **Recognizing** that globalization reinforces the exploitation and exclusion of developing countries from the full benefit of economic and political and social development call upon Governments to cancel the debts of developing countries.

207. **Recognizing** that whilst States are signatories to International and regional Instruments, yet seldom comply with their obligations in terms thereof, thus perpetuating a culture of impunity. We therefore call upon all States to ratify without reservation, and implement all international and regional instruments. In particular:-

- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- The International Covenant on Civil and Political Rights (ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and its additional Protocol;
- The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC);
- The Rome Statute of the International Criminal Court (ICC);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture);
- The International Convention on the Rights of the Child (CRC); and
- The Vienna Declaration and Program of Action.
- The African Charter on Human and Peoples Rights
- The African Charter on the Welfare and Rights of the Child
- The OAU Convention on Specific Aspects on Refugees in Africa
- Convention Relating to the Status of Refugees
- European Convention for the Protection of Human Rights and Fundamental Freedoms including Protocol 12 to this convention
- European Convention on Regional and Minority Languages
- European Framework Convention on Ethnic Minorities
- European Social Charter and Optional Protocol allowing for submission of collective complaints
- The American Convention on Human Rights

- The American Declaration on the Rights and Duties of Man
- The First Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, allowing for the submission of individual and group complaints
- All ILO Conventions as well as UNESCO instruments
- The UN Convention on Transnational Organized Crime and Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
- 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution
- Stockholm Agenda for Action Addressing the Sexual Exploitation of Children

The following measures should be addressed:

208. **Urge** States to adopt the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights providing for a system of individual and collective complaints.
209. **Recognizing** the 1998 ILO Declaration on Fundamental Principles and Rights at Work which holds governments responsible for respecting and promoting a set of fundamental rights for workers, including freedom of association, the elimination of forced labour, the abolition of child labour, and the prohibition against discrimination in employment, as well as ILO Convention 169 on Indigenous Peoples and Conventions 97 and 143 on Migrant Workers.
210. **Recognizing** the value and importance of the binding general comments issued by ICERD, we call upon States to:
211. **Implement** Art. 6 of ICERD which assures effective protection and remedies to victims of racism and racial discrimination and accept the right to just and fair compensatory measures for victims of racism and racial discrimination.
212. **Implement** Art. 7 of ICERD, which targets education as an essential, mean for combating racism.
213. **Lift** any reservations to ICERD, and declare under Article 14 of the Convention that it recognizes the competence of the UN Committee on the Elimination of Racial Discrimination (CERD) to accept the filing of individual complaints to the Committee.
214. **Support** the UN in strengthening the role of CERD to allow for enforceable sanctions in cases where CERD's Concluding Observations on the monitoring of States are not complied with by governments within a reasonable period of time.

215. **Request** that State reports to CERD should include race and sex disaggregated data on the impact and effect of the adopted legislation.
216. **Develop** in accordance with Article 71 of Part 2 of The Vienna Declaration a Program of Action that requires "each State to consider the desirability of drawing up a national action plan identifying steps whereby the State would improve the protection and promotion of human rights", which include plans of action aimed at fighting racism, institutional or otherwise, racial discrimination, xenophobia and related intolerance and promote partnership relations with civil society mainly through specialized independent national institutions on human rights and equality.
217. **Create** effective National institutions on human rights and equality. These institutions should be independent and have the power to monitor the implementation of anti-discriminatory legislation, to provide assistance and legal aid to victims and their families, to have recourse to judicial authorities, and to have investigative, enforcement and policy making powers. These institutions should reflect in their composition, the diversity of the society at large. They should be funded adequately and should function without interference from the State and with all the guarantees necessary for their independence and impartiality
218. **Fully** comply with international humanitarian law obligations and respect non-discrimination provisions binding on all parties to an armed conflict and ensure that the United Nations Special Rapporteurs are always granted admission to all territories of armed conflict...
219. **Adopt** and implement comprehensive legislation expressly prohibiting discrimination in all spheres of life, including but not limited to education, housing, employment, health care, social services, access to citizenship, access to public places and all other goods and services available to the public. Such legislation should integrate a full gender dimension, taking into consideration the intersectional discrimination faced by marginalized communities and vulnerable groups. The implementation of such legislation should be periodically reviewed.
220. **Mainstream** the issue of combating racism into all national policies and practices, including all spheres of public life. Mainstreaming should include the application of equality proofing, guidelines, positive actions, data production, proactive monitoring and impact assessment. All groups experiencing racism, racial discrimination, xenophobia and related intolerances should be encouraged to participate in such activities.
221. **Identify** and combat institutionalized racism in every sphere in which it appears and systematically combat racist and xenophobic attitudes within governmental institutions and the public sector and to review all existing legislation, administrative procedures and rules, including those on citizenship, nationality and immigration to ensure that no provisions are discriminatory.

222. **Civil** society should be involved in the design, implementation, monitoring and evaluation of all policies and programmes to combat and prevent racism, racial discrimination, xenophobia and related intolerance
223. **Ensure** that, in accordance with International Human rights standards, all groups and persons whose rights have been violated have access to reparation.
224. **Ensure** the protection of persons or organizations that lay complaints and report incidents of racism, discrimination, xenophobia and related intolerance.
225. **Establish** programs of affirmative action to include persons affected by racism, racial and gender discrimination, xenophobia and related intolerance in the recruitment, hiring, training, retention and promotion within the criminal justice system, particularly those impacted by the intersectionality of these grounds.
226. **Urge** States to adopt policies to ensure that public funds are provided only to organizations that have non-discrimination policies.
227. **Urge** States to recognize the need for uniform measures and the collection of disaggregated data on racial and gender disparities in the enjoyment of fundamental human rights, the complexities in establishing such uniform standards, the need to work with NGOs in developing such measures and collecting such data, and to commit to the public disclosure and dissemination of that data.
228. **Urge** States to acknowledge the need for technical and financial support to develop and implement uniform measures and the collection of disaggregated data on racial disparities and commit to the establishment of an international trust to provide for such assistance.
229. **Call upon** the UN to organize a follow-up conference in 2005 in order to evaluate the progress made by States, governments and civil society in the fight against racism and to put in place mechanisms to monitor implementation at an international level of all regional and national action plans.

## **AFRICAN AND AFRICAN DESCENDANTS**

230. We call on the Sub-commission on the Protection and Promotion of Human Rights to establish a Working Group on African and African Descendants throughout the world.
231. We strongly call on the UN to establish, within one year from this World Conference Against Racism, an international tribunal to measure the extent of the damages resulting from the slave trade, slavery and colonialism on Africans and African Descendants. We call on the United Nations to establish and resource a world institute based in Africa and dedicated to research, fact finding and resource

networking for Africans and African Descendants in the Diaspora.

232. We call on all States to recognise anti-Black racism as a form of racism with its own specificities that manifests itself particularly against Africans and African Descendants.

## **SLAVERY AND SLAVE TRADE**

233. We demand that educational curricula reflect the accurate historical experiences of both the victims and the perpetrators of the Trans Atlantic Slave Trade, Trans-Saharan and Trans-Indian Ocean Slave Trade, Slavery and Colonialism.

234. Therefore, we call for the establishment of an international tribunal within one year to document the character and extent of harm derived from the Trans-Atlantic slave trade, Trans-Saharan and Trans-Indian Ocean Slave Trade, slavery and colonialism which are crimes against humanity.

235. Urge governments in Cameroon, Mauritania, Niger and Sudan that engage in any form of slavery to eradicate this practice. In particular, laws abolishing traditional slavery should include reparations for the victims of these violations. Criminal sanctions should be imposed on perpetrators of these crimes. States should recognize the human rights of these victims, including their political, social, economic, cultural and civil rights.

236. We demand that the United States, Canada, and those European and Arab nations that participated in and benefited from the Trans Atlantic Slave Trade, the Trans-Sahara Slave Trade, the Trans-Indian Ocean Slave Trade, Slavery and the Colonization of Africa, within one year of the WCAR establish an international compensatory mechanism for victims of these crimes against humanity.

## **REPARATIONS**

The United Nations and States shall:

237. Ensure that, in accordance with universally recognised human rights norms and standards, all nations, groups and their members who are the victims of crimes against humanity based on race, colour, caste, descent, ethnicity or indigenous or national origin are provided reparations;

238. Ensure that the perpetrators and beneficiaries of the Trans-Atlantic Slave Trade, Slavery, Colonialism, Foreign Occupation acknowledge that these policies and practices are crimes against humanity;

239. Create programs of reparations for the victims of crimes against humanity and violations of human rights reaching the masses of the victimized and not merely an elite few and designed to address the specific character of the peoples injured that include:
240. Restitution\_encompassing the unconditional return of land, heritage icons and artifacts; the provision of land to those forced to leave their homelands and forcibly resettled in foreign lands; cancellation of debt of countries victimized by these crimes against humanity including African countries and impoverished countries in the Americas;
241. Monetary compensation that will repair the victims, including Africa, Africans and African descendants, by closing the economic gap created by these crimes and encompassing debt cancellation, programs for creation and enhancement of participation in production enterprises; full accessibility and affirmative inclusion in all levels of employment opportunity; grants of cash payments based on assessment of losses resulting from the violations of human rights and crimes against humanity;
242. Restoration including release of all political prisoners, providing for health care, including mental health care, educational and social services that are specifically designed to correct the injuries caused by the violations of human rights and crimes against humanity;
243. Satisfaction and guarantee of non-repetition includes the public acknowledgment of the crimes against humanity; the correction of the history of Africa, African and African descendants in educational materials and in the media; acknowledgment of the economic base of exploitation of the victims of crimes against humanity and violations of human rights and the unjust enrichment of the perpetrators;
244. Create an independent international and regional monitoring organization with the responsibility to assure that programs of reparations are designed and implemented with timetables and that satisfy the provisions of this programme of action are accomplished;
245. We call on all States to acknowledge the principle of reparations for the cultural, demographic, economic, political, social and moral wrongs of the Trans-Atlantic slave trade, Trans-Saharan slave trade, Trans-Indian Ocean slave trade, slavery and colonisation and that African and African Descendant victims reserve the right to determine the form and manner of reparations;
246. We call on all concerned African nations to take formal legal action to obtain the return of stolen cultural artifacts, gold, money, mineral wealth and the return of occupied land on the continent and call on the international community to support such actions.

## **ANTISEMITISM**

247. Ensure that all members of civil society clearly and publicly condemn all forms of antisemitism; recognize the responsibility of public officials to publicly disavow hate mongers, hate speech, and other forms of expression which spread, incite, promote or justify acts of antisemitism; ensure that appropriate anti-discrimination legislation exists and is adequately implemented to ensure that action is taken against individuals and institutions responsible for discrimination and criminal acts against Jews, and the denigration of Jews; promote concrete actions which will counteract and prevent the increase of antisemitic incidents and hostile action against Jews as well as the rise of radical and violent movements which foster racist ideologies and discriminatory practices against the Jewish community; promote Holocaust remembrance, notably through education and the organization of cultural or media events, including the promotion of national days of Holocaust remembrance,
248. Include the subject of antisemitism in anti-racist education for students and teachers, and in all teaching materials, particularly in history and social science books; introduce measures to eliminate antisemitic propaganda, and antisemitic references in school curricula, textbooks and the media; promote public awareness and tolerance through non-formal education and the media; give Jewish youth an opportunity to take an active role in educating the world about the evil that necessarily results from Jew hatred; promote a voluntary internet code of conduct and other voluntary measures against the purveying of sites that promote racism, racial discrimination, xenophobia and related intolerance; encourage the United Nations within the context of the UN Decade of Human Rights Education, to establish a month each year dedicated to promoting responsible use of the internet with a particular focus on the internet.

## **ASIANS AND ASIAN DESCENDANTS**

249. In situations of civil and international conflicts in Asia, including armed struggles between ethnoracial, religious, national, or caste groups, international human rights organizations must be given the right to investigate and document cases of rape, child abuse, ethnic cleansing, detention without trial, custodial deaths, and disappearances. The international community should be encouraged to impose sanctions against nation states that act with impunity and refuse to comply with their obligations under international human rights law, and courts should pursue prosecution of the perpetrators of heinous crimes.
250. We call on the UN Sub-Commission on the Protection and Promotion of Human Rights to establish a Working Group on Asian and Asian Descendant populations including ethnic and religious minorities in Asian countries. We further call on all states to create Commissions with sufficient resources and with NGO participation to identify, examine and address issues of discrimination and persecution against Asians and Asian descendants based on race, ethnicity, caste, languages, religion, citizenship or migrant status, gender, sexual orientation, gender identity, disability



and other factors.

251. We call on states to institute programmes and policies to protect Asians and Asian descendants from police misconduct and hate crimes, to ensure the full inclusion and equality of Asians and Asian descendants through access to fair immigration policies, as well as fair access to employment, housing and financial resources, and in particular to acknowledge and value the work of Asians and Asian descendant women by protecting them from exploitation through such policies and programmes.

252. We call upon states, media and academic institutions to address racism, xenophobia and stereotyping of Asians and Asian descendants by promoting their appropriate and diverse representation in text books, courses and both entertainment and news media and by ensuring their fair access to media through relevant licensing and regulatory bodies.

### **CRIMINAL JUSTICE AND JUDICIAL SYSTEMS**

253. Recognize, in accordance with international law and with the Statute of the International Criminal Court, that the persecution of any identifiable group on political, racial, national, ethnic caste, descent and work, cultural, religious, gender, disability or other grounds constitutes crimes against humanity and in view of the importance of combating impunity, sign and ratify, if they have not yet done so, the Statute of the International Criminal Court. At the same time, we urge all States and governments to speedily conduct at national level, investigations and prosecutions of war crimes in compliance with their international obligations

254. Abolish the death penalty, giving particular consideration to the fact that throughout the world it is used disproportionately against people belonging to racial, ethnic, national minorities and Indigenous Peoples.

255. To ensure that persons who are affected by racism, racist practices, xenophobia and related intolerance have access to an effective criminal defence, which includes the explanation of reasons for the arrest, detention, legal, proceedings and charges, interpretation services, free of charge and at all stages of the criminal process, and also provides access to diplomatic representatives for Foreign nationals.

256. To ensure the eradication of impunity within the criminal justice system, particularly law enforcement, judicial and correctional personnel, and in the public sector, through the establishment of internal and external independent complaints, monitoring mechanisms and investigations, and the imposition of disciplinary and criminal sanctions for transgressions.

257. We call upon States to ensure that selection processes for the appointment of Judges take into account persons previously excluded on the grounds of race, gender, ethnicity and colour, particularly those impacted by the intersectionality of these grounds. Selection processes should also take into account that persons appointed should be independent of political and executive, economical or social influence.
258. We call upon States to revise and adopt laws and procedures regarding the manner in which the judiciary operates, to ensure that judges act in an independent and unbiased fashion, so as to apply the law equally, fairly and justly to all individuals and groups, particularly those who are without any political, social or economic power, and discriminated on grounds of racism, gender, racial discrimination, xenophobia and related intolerance.
259. To ensure that effective mechanisms, including data collection, are established to prevent the racial profiling of victims of racism, racial discrimination, xenophobia and related intolerance, including a clear prohibition of reliance on race ethnicity or other group identity, by by law enforcement, prosecutorial or judicial officers, through a review of laws and policies, to ensure that they are not discriminatory in purpose or impact, particularly in prisons and other places of detention.
260. To ensure that States enact legislation to prevent the practice of treating minors as adults within the criminal justice system, as this affects a disproportionately large number of persons belonging to marginalized groups, particularly in the area of sentencing.
261. To develop policies and practices that prohibit the use of excessive force by law enforcement officers, provide increased sanctions for use of excessive force motivated by racial or other discrimination, and to require special training programs on non-lethal and proportionate levels of force and alternatives to the use of force for law enforcement officers.
262. To ensure strict and regular monitoring, inspection and control mechanisms in all places of detention, including private and alternative prisons, concrete and immediate steps to end the exploitation of the labour of incarcerated people, full access to incarcerated populations to educational programmes and facilities and timely and appropriate preventative, diagnostic and curative physical and mental health services, and programs which focus specifically on the reintegration of offenders into their communities after their release from prison.

263. Require that all states ensure that Public officials, criminal justice and law enforcement agencies act in a non-discriminatory manner and that specific training programs on anti-racist, anti-xenophobic and gender sensitive practices are designed for such officials and agencies. Such officials and agencies should be required to publicly disavow hate speech, and conduct that foments acts of racism, racial discrimination, xenophobia and related intolerance.
264. To ensure, that States comply with article 10 of the UN Convention against Torture (CAT), by ensuring that educational measures explicitly address the implications of the fourth purpose contained in the definition of torture (“discrimination of any kind”) found in article 1 of the Convention, thus helping to prevent torture, ill-treatment and any kind of violence against disproportionately targeted groups and individuals.
265. To ensure that asylum seekers are not subjected to criminal or other punishment on the basis of any illegal entry or presence, that detention of asylum seekers is used only as a measure of last resort (except that unaccompanied minors should not be detained in any circumstances), subject to periodic judicial review, with a maximum duration specified in national law, with guarantee for the right of appeal against this detention, and with strict and regular inspection by independent bodies. If detained, asylum seekers should be held in special immigration detention centres, in conditions appropriate to their status and in accordance with international standards, and not with persons charged with or convicted of criminal offences.
266. To ensure that special attention is given to the rights of refugees and asylum seekers to adequate and effective representation and prompt judicial proceedings, and that groups, including non citizens such as documented or undocumented migrants, asylum seekers and refugees, are provided necessary information and legal assistance in the event of torture, ill treatment or any kind of violence, perpetrated on the basis of race, racial discrimination, xenophobia and related intolerance.

## **DALITS AND OTHER COMMUNITIES DISCRIMINATED AGAINST ON THE BASIS OF WORK AND DESCENT**

267. Enact suitable legislation to recognise and eradicate discrimination based on work and descent, including caste discrimination and untouchability against Dalits, Buraku people and other affected communities, in those countries where such legislation does not exist; and in countries where legislation banning such discrimination already exists, take immediate steps to create transparent and effective monitoring mechanisms including the establishment of time-bound programmes to ensure effective implementation of such legislation, even where the perpetrators are States or State agents.
268. Declare work and descent based discrimination, including caste discrimination and untouchability, as Crimes against Humanity and enact and enforce legislation to

guarantee the right to life and security, particularly the women and children of these communities, to criminalise violence, atrocities and incitement to discrimination and violence committed against these communities, and to effectively and speedily prosecute offenders at all levels.

269. Enforce speedy and effective legal and programmatic measures to abolish the traditional practice of the Devadasi system and to rehabilitate the Dalit women and improve the quality of their lives by giving them access to arable lands, proper housing, gainful employment and education.
270. Undertake a survey of the situation of the Buraku people in Japan to ascertain the nature and extent of the discrimination they continue to face despite the enactment of temporary 'Special Measures' by the Government of Japan, and take all necessary legal, administrative and other measures to eradicate such discrimination.
271. Ensure that these communities, who have contributed to the nation-building process through their massive but unrecognised and silent labour, are protected by law from exploitation of their labour, including the implementation of laws that provide for a living wage and prohibit child labour, bonded labour and manual scavenging. Also implement laws relating to land reform that would guarantee access to and control of land for these communities, and ensure that these lands are officially registered in the name of women of these communities.
272. Create and strengthen transparent policies and systems of affirmative action, irrespective of religious affiliation, that enhance the access of these communities, especially their women, to higher government posts, including scientific institutions, and to posts in the government administration, the judiciary, law enforcement agencies and the private sector, including multinational corporations.
273. Allocate adequate funds to guarantee the enjoyment of their rights to livelihood, land, education, housing, potable drinking water, sanitation, health and employment opportunities, with special emphasis on their women, and establish effective monitoring mechanisms to ensure full and proper utilisation of available funds.
274. Undertake mass-scale public awareness raising and educational initiatives, with the active support of NGOs and other segments of civil society, in order to promote positive changes in attitudes towards and within communities discriminated against on the basis of work and descent based discrimination, for which the necessary budget allocation shall be earmarked by the State.
275. Introduce measures of reparation for the centuries-old wrongdoings committed against these communities through legislation and appropriate machineries for the purpose of restitution, monetary compensation, rehabilitation and for ensuring guarantees of non-repetition.

276. The United Nations to ensure the implementation by the States of all relevant recommendations and resolutions of the UN human rights treaty monitoring bodies and of the UN Sub-Commission on the Promotion of Human Rights, and immediately appoint a UN Special Rapporteur to study the question of work and descent based discrimination, including caste discrimination and untouchability, against these communities in different parts of the world.
277. NGOs to lobby to ensure that the relevant Governments are made accountable to Parliament and to the UN Committee on the Elimination of Racial Discrimination for their implementation of policies and programmes aimed at eradicating work and descent based discrimination, including caste discrimination and untouchability, by constitutionally mandating their Governments to submit and openly discuss the annual reports of National Human Rights Institutions.

## **PEOPLE WITH DISABILITIES**

278. We urge upon States to ensure specific programs of optimal rehabilitation including access to assisted devices and technology, education, recognition of informal skills, job integration without discrimination and equitable remuneration.
279. We call upon States to address the stigmatization of disability through a wide range of strategies promoting disability awareness and the rights of Persons with Disabilities to equitable access to, and equitable share of national resources
280. We call upon States to develop relevant protocols to ensure representation and participation of Persons with Disabilities in the decision making process of states and communities at all levels.
281. We call upon states to examine the intersection of race and disability in order to develop and implement strategies aimed at the elimination of disability based discrimination. Design, with full participation of Persons with Disabilities, and implement and monitor all anti-racist policies as disability sensitive.
282. We urge the United Nations and States members to acknowledge and redress the situation of discrimination and stigmatization of Persons with Disabilities throughout the human history.
283. We urge them to implement legislation, programs and services aiming their full enjoyment of human rights with no distinction based on type of disability, color, race, gender, age, national or ethnic origin, religion, language, culture, caste, socio-economic status or any other status, property.
284. Create the necessary conditions in order to generate the establishment of regional and International Networks on Disability in order to monitor the situation of Persons with Disabilities around the world and to exchange information on these issues.

285. We call upon States at the national and international levels to ensure that Persons with Disabilities are provided equitable opportunities to participate in all aspects of events such as WCAR, NGO forums, etc, including in the roles of speakers, rapporteurs, resource persons as well as in cultural events.

286. We further call upon states at the national and international level to ensure that such events are held in venues which have full disability access.

287. We call upon all NGOs to, over the next year, conduct a comprehensive analysis of their existing programs for physical and programmatic access for people with disabilities and to make appropriate changes to eliminate barriers.

## **EDUCATION**

Education as a means of redress should be viewed from the broad perspective of encompassing as a comprehensive strategy:

- Formal Education;
- Non Formal education
- Adult Education;
- Awareness Campaigns;
- Information dissemination (access to information);
- Education for the transformation of Public Sector Officials; and
- The Media and information technology.

## **FORMAL AND NON-FORMAL EDUCATION INCLUDING ADULT EDUCATION**

288. Implement the U.N. Decade for Human Rights Education 1995-2004, and support its continuation for a further Decade with increased human and financial resources.

289. Ensure equal access to education at all levels, including higher education, without discrimination on any ground, for all persons irrespective of their legal status and abolish policies and practices promoting or leading to racial segregation in education.

290. Include human rights education and human values as a dimension in the national curricula for primary and secondary schools aiming for all pupils to have an awareness and understanding of their rights and responsibilities. Include in national curricula for primary and secondary school a human rights education with an emphasis on universal values aimed at ensuring that learners have an awareness their rights and responsibilities under domestic constitutions, the Universal Declaration of Human Rights, the Convention on the Rights of the Child and other international human rights instruments.

291. Review the education curriculum with the purpose of eliminating any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes. Efforts must also be made for the systematic collection of data, for planning and evaluation, on educational quality and achievement. Further, we encourage a holistic approach that includes a balance between a science and technology based approach and an indigenous knowledge and philosophy based approach.
292. Ensure that education syllabi incorporate an accurate history of the struggle of the people against colonialism, genocide, slavery, apartheid, imperialism and patriarchal ideologies and caste-based practices which have entrenched racism, racial discrimination, xenophobia and related intolerance. In addition, ensure that education curricula highlight the vital contributions of different cultures and groups, such as Africans and African descendants, Indigenous peoples, migrants and other ethnic, racial, cultural, religious and linguistic groups have played in building national identities.
293. Review and develop the educational system to allow for learning and instruction to be pursued in mother-tongue language(s), and to ensure that access to education is not denied to vulnerable groups on the basis of linguistic ability and criteria. In addition, to provide affirmative educational support from marginalized groups, through such measures as extra-tutorial, pre-school education, stipends for books and supplies, scholarships for vocational professional and higher education and employment guidance and assistance.
294. Educational policies be pursued that includes cultural, racial and sexual diversity and that recovers the historical contribution of women in the development of their peoples, communities and nations.
295. To provide to all peoples and cultures in educational centres, access to technology in equal conditions, especially in areas that have no access to higher education, for an equitable and sustainable development and the eradication of racism, racial discrimination, xenophobia and related intolerance.
296. Take measures to increase the recruitment and promotion of members of minority groups as teachers, trainers and care providers and guarantee effective equality of access to the teaching profession. Additionally, ensure that pupils, parents and teachers are given information and training on Human Rights and are trained to deal with racist incidents in schools with a full awareness of the remedies that are available.
297. Encourage businesses and multi-national corporations to promote understanding and acceptance within their workplace through educational programs on the values

of cultural diversity, cross-cultural communication and non-discrimination, as well as skills development for disadvantaged groups.

298. Promote adult education for the public at large, addressing the question of functional illiteracy in minority languages.

299. Efforts must be made for the systematic collection of data for planning and evaluation, disaggregated by race on educational quality and achievement.

300. Comply and take action on the commitment of States to the Dakar and Jomtien Declaration.

## **PUBLIC AWARENESS AND ACCESS TO INFORMATION**

States and governments should:

301. Commit themselves to undertaking public information to alert their societies to the dangers of racism, racial discrimination, xenophobia, and related intolerance, and to support initiatives of non-governmental organisations in this respect.

302. Set up or facilitate the provision of free access to sources of information on the rights and remedies of victims of racism, racial discrimination, xenophobia and related intolerance, including all forms of religious intolerance.

303. Organise and support networks of information in the combat against racism and related intolerance at local, national and regional level, and facilitate the key role of NGO's in combating racism and related intolerance, acknowledging their significant role in disseminating information and establishing networks among target groups.

304. Establish and resource an independent body or bodies, which is tasked to:

- Study the historical and emerging causes of racism, racial discrimination, xenophobia and related intolerance; its effects and suitable remedies;
- Focus on combating all ideologies, policies and practices which lead to or incite racism, racial discrimination, xenophobia and related intolerance;
- Undertake and facilitate awareness raising campaigns informing all levels of society about racism, racial discrimination, xenophobia and related intolerance;
- Integrate, co-operate, encourage and support civil society bodies and NGO's in their work in the eradication of racism, racial discrimination and related intolerance.

## **TRAINING AND EDUCATION FOR PUBLIC OFFICIALS**

States and governments should:

305. Conduct nationwide campaigns to raise awareness among State organs, such as the judiciary, and law enforcement agencies, public officials, including legislators, as



well as civil society organisations, including associations involved with migrants and other vulnerable groups, concerning the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

306. Train police and immigration officials in the application of international human rights standards and that the successful completion of such training programmes be made one of the criteria for promotion.
307. Implement training programmes on the dangers of racism and intolerance, including sexist prejudices, disability discrimination stereotyping and multiple discrimination and promote respect for cultural diversity by officials in all spheres of public life, in particular the police and the military, the judiciary and other agents of the administration of justice, teachers and other educationalists, and officials working in the sphere of health and social welfare.
308. Develop specific measures for agents of the criminal justice system, in particular the police and other law enforcement officers, for their interactions with target groups and minorities.
309. Governments and states should promote research addressing the roots and manifestations of all forms of contemporary racism, including those not rooted in slavery, and to introduce educational programmes for both civil servants and the general public based on the principle of priority of human rights and multiculturalism.

## **ENVIRONMENTAL RACISM**

310. To promote sustainable development, governments must develop, improve, and apply economic, health, and social indicators to assess the quality of life for people impacted by environmental racism, implement a just transition to clean, affordable and sustainable modes of production, and pollution prevention, develop, apply, and transfer to all States information and technologies that can reduce and eliminate environmental health hazards and enable the thorough remediation of contaminated sites, ensure medical services to persons suffering from toxic exposure, develop laws which prohibit transboundary, especially from industrialized to non-industrialized countries, and intra-border deposition of toxics and polluting technologies, which degrade the environment and harm human health, urge UN agencies, international and regional financial mechanisms, and donor countries to reform their loan and grant-making practices and provide the resources that enable all States to develop, improve, and implement the laws, policies, and practices as called for by this program of action.
311. Governments must establish, comply with, and enforce international conventions, treaties, declarations, national laws, and policies that ensure the fundamental rights of all people to clean air, land, water, food and safe and decent housing. Such legal instruments and policies must provide protection for urban and rural communities, workers, especially agricultural laborers, from environmental hazards that

disproportionately impact people who have historically been subjected to discrimination based on race, class, color, gender, caste, ethnicity and/or national origin, ensure the right of all people to meaningful participation in decision-making on environmental and health issues, including culturally and linguistically appropriate outreach and education as well as guarantee fair access to judicial and administrative proceedings and remedies for environmental racism, and establish legally binding instruments and mechanisms to hold states and corporations accountable to international and domestic laws protecting human rights.

312. Governments must ensure that all governmental policies and practices adhere to the principles of precautionary approach and polluter-pays as provided in the Rio Declaration on Environment and Development. Develop and implement programs of sustainable development with the involvement of those affected by environmental racism and other non-state actors in order to redress and improve health, environmental, and economic conditions. Establish programs to protect people from environmental racism caused by military, governmental, and industrial activities. Such programs must include protection from dangerous health threats, remediation of environmental degradation caused by the military, governments, and industry, as well as the disposal of toxic stockpiles that meets 100% efficiency. Reform economic development policies with mechanisms for prioritizing health, social, cultural, and religious/spiritual values.
313. As full partners in the eradication of environmental racism and quest for sustainable development, the NGO Forum calls upon NGOs to: foster meaningful national and international participation in public and private decision-making affecting local communities and their environments; study the effects of environmental racism on our communities; identify and publicize the effects of environmental racism on workers and communities; educate civil society on the impacts of environmental racism; advocate for public and private sector policies and laws that protect natural resources, eliminate contamination affecting communities, and restore contaminated environments; provide victims of environmental racism with legal advisory assistance to access justice and attain fair compensation; and develop regional environmental justice networks to share information, strategies, lessons learned, engage in mutual solidarity actions, and monitor the compliance and enforcement of the obligations of industry, governments, and intergovernmental agencies to make possible equitable and sustainable development. The NGO Forum calls on governments, intergovernmental agencies, UN agencies and other financial mechanisms, and philanthropic organizations to provide the financing and technical assistance necessary to enable NGOs to carry out this action plan.

## **ETHNIC AND NATIONAL MINORITIES**

314. We urge States to fully recognize all fundamental human rights for members of ethnic and national groups, and especially full equal citizenship for them in all fields of public life. States should repeal legislation that facilitates discrimination against

ethnic and racial minorities and prevents them from enjoying their identity, culture, religion and language or renders members of minority communities stateless.

315. We recommend that governments and international organizations take urgent action to eradicate the widespread discrimination and persecution of ethnic and national groups, by implementing national public and social policies to redress discrimination, including affirmative action programmes. In particular, States should set up systems of government and administration that allow ethnic and national groups to participate in decision-making and implementation. States engaged in post-conflict transition should adopt systems of power sharing, based, wherever possible, on parties rather than ethnicity.
316. We urge states to enact legislation, including constitutional protection, in order to ensure cultural rights for all, and to protect and promote cultural diversity on their territory. We recommend that governments develop intercultural educational provisions and curricula that are culturally and linguistically appropriate. These should ensure that all groups and individuals have an understanding of their multicultural society, and that they share common values in the public domain, which evolves through democratic participation. States should support and encourage organizations that promote minority cultures and languages, and promote cultural exchanges and understandings between different communities.
317. Where an ethnic or national groups is geographically concentrated, states should establish territorial autonomy to provide for self-government, where and when the ethnic or national group desire it. The rights of other minorities, especially smaller groups within these areas, should also be protected, and individual rights always respected.
318. The state has an obligation to provide human security for all persons and must desist from using its security and military apparatus to manipulate and create divisions amongst minority communities. States must take immediate steps to reduce their military budgets and channel these resources into the establishment of country-wide multi-cultural education and media programmes and the promotion and protection of minority rights.
319. We urge States to ensure that national human rights mechanisms independently and effectively monitor the impact of development projects and programmes on ethnic and national groups, while ensuring their conformity with international human rights standards. These mechanisms should ensure the full participation of the affected communities and of civil society in the monitoring process. Governments should adopt land tenure and land use policies and regulations that are in conformity with international standards on traditional land and territorial rights for ethnic and national groups. The land rights of pastoral, nomadic and forest peoples must be recognised and enshrined in law.
320. We recommend that governments, and multilateral and bilateral development

agencies ensure the right of ethnic and national groups to participate in the formulation, implementation and evaluation of country strategies, development plans and programmes that affect them. This participation must be comprehensive and transparent through all stages of the project cycle. The nature of participation should be consistent with the traditional decision-making processes of ethnic and national groups, if they so request. Equal consideration should be given to, *inter alia*, women, older people, persons with disabilities, children and those living with HIV and AIDS within ethnic and national groups, allowing them to express their own perception of rights and development needs.

321. We call for the development of a binding international convention on persons belonging to national or ethnic, religious and linguistic minorities, based on the UN Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities.

322. We call for the creation of an international judicial mechanism whose mandate will be to intervene in cases of widespread human rights abuses especially concerning the rights for life and security of the members of ethnic or national groups.

323. We call for the establishment of regional systems for the protection of ethnic and national groups where they do not currently exist.

324. We call on States to set up institutions, such as minority ombudspersons, to ensure fair treatment for ethnic and national groups and the promotion of ethnic and national participation in political, economical, social and cultural life as well as in any fields of public life.

325. The Palestinian Citizens of Israel should be recognized as a distinct national minority group based on Article 27 of the ICCPR. We call for the implementation of the recommendations and concluding comments regarding Israel issued by UN Human Rights treaty or Charter based bodies such as the CESCR, the Human Rights Committee and the Commission on human rights, which emphasized the Palestinian citizens' collective rights regarding lands, absentee property, uprooted villages and the unrecognized villages.

326. We express deep concern at the systematic and institutionalized discriminatory policies practiced against the Kurdish people. We condemn the crimes committed against the Kurdish people, such as genocide, ethnic cleansing, denial of their cultural and linguistic rights, mass disappearances, destruction of villages and towns. In order to ensure Kurdish people's rights for freedom, dignity and self determination we call upon the international community and the concerned states to end these policies, render justice, decide on reparations for the victims and develop effective monitoring mechanisms. We demand that the right of the Kurdish people to statehood be recognized

327. We express our concern for the Uyghur people of East Turkistan and

recommend that the UN establish a Working Group to investigate the serious allegations of mass executions, torture and disappearance of Uyghur political and religious prisoners.

## **GENDER**

328. All parties to armed conflict are requested to abide by the rule laid down in the Rome Statute, and that States and the international community should commit to combat all forms of racial discrimination and violations of women's human rights especially during periods of armed conflict.
329. States are urged to conduct impartial and independent investigations and prosecutions of in relation to rape or other forms of gendered crimes during conflict.
330. Expose and document rape as a war crime; undertake research and information gathering as an instrument of the early warning system.
331. Education curriculum and armed forces (police) training to include: human rights training, the culture of peace and gender sensitivity.
332. Teaching materials to remove stereotypes and historical biases, and strengthen the teaching of the history of national and ethnic minorities, human migration, colonialism and women's human rights. Issues for women with disabilities should be included in public education to eliminate disability discrimination.
333. Promote programs which provide legal services to women and provide women with education on human rights.
334. States to prevent and stop violations of human rights violations against documented and undocumented migrants and migrant workers, including gender-based violence and human rights violations committed against women migrants and migrant workers.
335. Urge states, multinational corporations, international financial institutions and companies to prevent and eliminate racially discriminatory policies and practices, recognising the gender-differentiated experiences of women and girls in access to employment. Women with disabilities to be provided with appropriate health care services and respect while accessing reproductive health services.
336. Partial interpretation of traditional, social and cultural beliefs and the misuse of religious and traditional beliefs is the cause of racism, racial discrimination and related intolerance.
337. States to promote and protect the health rights of women and girls, and provide access to adequate maternal and reproductive health services, particularly women with disabilities.

## **GLOBALISATION**

338. We call upon the States to recognise that the exploitation of young peoples labour, particularly those from indigenous and ethnic minorities and immigrant groups is exacerbated by TNCs We urge States to protect their citizens by regulating these practices.
339. We insist that a code of conduct be developed and implemented to recognise the value of the contribution made by young people and to ensure the protection of their security and livelihood.
340. We note with concern the punitive reaction of many governments to the growing expression of community disquiet as to the discriminatory effects of globalisation and urge them instead to support a democratic and anti-racist globality. We urge States to ensure that their decision making processes in relation to these issues both take into account and are accountable to the communities that they represent.
341. We urge governments to take whatever steps are appropriate to ensure that the ownership of knowledge including territory medicines, biodiversity and culture by indigenous peoples is officially recognised. We call upon States to enforce and protect the intellectual property rights of indigenous peoples, especially where the appropriation of this knowledge and violation of these rights is an economic benefit to private organisations.
342. We urge States to recognise the racial dimension inherent in the unequal distribution of resources through the process of globalisation. The racial aspect of globalisation is experienced at international, national and local levels and requires organised preventative strategies at each of these levels.
343. We call upon the governments of the North to reinforce the means of financial aid to southern countries to devote a proper part of the aid to minority communities for their specific structural development and needs such as education, training, health care and housing.
344. Support "humanitarian business" calling for the presence of trained persons in governmental and international institutions to enhance "corporate social responsibility".

## **HATE CRIMES**

345. We urge states to extradite those guilty of hate crimes to face prosecution where appropriate, regardless of nationality.

346. Develop policies and practices which encourage international protection for those suffering from these heinous hate crimes. Monitor and provide effective measures to ensure implementation of human rights laws and UN conventions against hate crimes including sexual violence and promote policies and practices that delegitimize racist hate propaganda and hate groups.
347. Encourage identification of the new issues within the UN, including to establish a commission and rapporteur desk to inquire into the issues raised here such as ethnic cleansing, ethnic conflicts, ideological and cultural Daliticide, hate crimes, and establish offices in different areas of the world.
348. Consider more powerful means (such as embargoes, economic sanctions) of dealing with recalcitrant states that continue to perpetrate hate crimes, ethnic cleansing and genocide, and promote and require protection for those involved in religious organizations operating in any oppressive conditions
349. Encourage the UN to set up and fully fund a body to deal with propaganda and media distortion related to racism and racial discrimination, hate crimes, systematic ethnic cleansing, and genocide. Also require that education and training about discrimination, hate crimes, ethnic cleansing and genocide is provided by governments and the UN to enable the liberation of oppressed people and to increase understanding of these heinous crimes in the international community, including requiring offices in the regions outside Geneva and New York. Require the UN to monitor and agitate for this.
350. NGOs should agitate for national legislation to combat hate crimes and violence and punish the perpetrators of such acts as well as push for a serious UN response to hate crimes.
351. All political parties must promote inclusive policies and prohibit the use of negative images of race, ethnicity, religion, language and caste.
352. 98 It is important to monitor education to ensure it is inclusive and prevents perpetuation of discrimination and hate crimes and also to monitor media for accusations, generalisations, stigmatization, stereotyping and bias of particular racial and ethnic minorities, indigenous peoples, castes, especially women, children, those with disabilities, religious minorities and communities advocating for social change and self determination other groups being targeted by hate crimes
353. NGOs must form a coalition with others suffering from discrimination to fight hate crimes against members their own communities. It is important to get assistance, gain knowledge and get advice from those in other countries who have already formed such coalitions.

## **HEALTH - HIV/AIDS**

354. Governments of the developed countries should assure that state of the art medical and health related technology and knowledge is made accessible to developing countries and implement measures to fulfill the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. All governments should provide effective mechanisms to eliminate discrimination in

their health care systems and establish effective means of monitoring these systems.

355. Governments should promote and develop prevention and treatment programs for diseases and conditions that disproportionately affect vulnerable groups such as sickle cell anemia, diabetes, hypertension and other chronic diseases. These programs should be developed in conjunction with the private sector (particularly the medical technology and pharmaceutical industry) and should pay special attention to diseases and illnesses in developing countries and eliminate racism and other forms of discrimination in their health care systems. [sentence on racism of international pharmaceutical industry]
356. Governments, nongovernmental organizations, the private sector and the international community, including the World Health Organization, should routinely and systematically collect race, gender and socioeconomic class data related to health status and health care such data should not be limited to census and vital statistics but should include data on access and quality particularly service delivery, diagnosis and treatment, facility availability, provider availability and other related health activities and services. Special attention should be placed on the impact of racial discrimination and to the publication of the data, the results and the conclusion.
357. The Governments of the richest countries of the world should contribute at least \$10 billion annually to the UN Global Health Fund to develop and implement comprehensive programs of prevention, treatment and community support to fight HIV/AIDS, tuberculosis, malaria and other infectious disease.
358. In order to effectively address HIV/AIDS, governments must implement a comprehensive, multi-sectoral program consisting of the mutually reinforcing components of prevention, treatment, care, community support and health infrastructure, including culturally sensitive educational programs and specific programs aimed at reducing the vulnerability of women to HIV infection which include encouraging citizens to engage in voluntary testing, and giving special attention to developing countries and vulnerable groups.
359. Governments must direct efforts to eradicate rape and all forms of sexual violence against women. Combating HIV/AIDS requires among other things that States eliminate legal and practical discrimination against women and girls and prevent, investigate and punish acts of violence and discrimination against women. In addition, in coordination with women's rights and human rights groups, and other relevant members of civil society, states should design, fund and implement programmes targeted at increasing women's awareness of HIV/AIDS.
360. To ensure that young people have input in all decisions about their own health, specifically about their sexual and reproductive health, and to provide free health care services to those young people from marginalized groups.



361. Governments should provide comprehensive HIV/AIDS Mother-to-child Transmission Programs that are freely accessible to all. Such programs should involve informed consent, pre and post – test counseling, treatment options, milk formula substitution, and access to support groups.
362. Governments should set up mechanisms that assure the protection of vulnerable groups who participate in research . Those mechanisms should include free and informed consent but must also include other forms that protect vulnerable groups from exploitation

## **INDIGENOUS PEOPLES**

363. Strongly recommend the adoption of the draft U.N. Declaration on the Rights of Indigenous Peoples approved by the Subcommission on the Prevention of Discrimination and Protection of Minorities in its Resolution 1994/45. The draft O.A.S. Inter-American Declaration on the Rights of Indigenous Peoples should be pursued and adopted with the full and equal participation of Indigenous peoples, and must not contemplate lesser rights than those contained in the U.N. Declaration. States must recognize the collective rights of indigenous peoples.
364. Recommends the ratification by States of international conventions and agreements protective of Indigenous rights, and we exhort those States that have not already ratified the Convention on the Elimination of All Forms of Racial Discrimination, the Genocide Convention and ILO Convention 169 to do so. States ratifying ILO Convention 169 should, in consultation with Indigenous Peoples, seek to revise the Convention to overcome the Convention's present deficiencies.
365. Any qualification of the right of Indigenous Peoples to self-determination is racist and is contrary to the fundamental principles of international law. The proposed caveat paragraph (currently paragraph 27) of the official WCAR State Declaration is a manifestation of racism against Indigenous Peoples and should be deleted in its entirety.
366. Recommends that States examine their constitutions, law, legal systems, and policies to identify and eradicate both explicit and inherent racism towards Indigenous Peoples
367. Recommend that States eliminate laws and policies that deny or limit Indigenous land and resource rights, including rights to subsoil resources, and affirmatively recognize Indigenous Peoples as the rightful owners and managers of their lands and resources. States must take immediate and effective measures to end the devastation and contamination of Indigenous waters, lands, territories and natural resources and the dispossession and denial of access to these waters, lands, territories and natural resources.
368. Demands that States provide appropriate remedies for breaches of rights and

treaties. Remedies for such breaches shall be determined with the full and equal participation and consent of the Indigenous peoples involved. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies.

369. Demands that all states immediately release all Indigenous political prisoners. States must also recognize Indigenous justice systems and end discrimination in State criminal and civil justice systems.
370. Calls upon States to recognize, respect and ensure mechanisms for the development of traditional medicine, and ensure accessible and effective inter-cultural health systems.
371. Urges States to commit financial resources to anti-racism education and media campaigns to promote anti-racism awareness, the values of acceptance, tolerance, diversity and respect for the cultures of all Indigenous Peoples. In particular, States should strive to promote an accurate understanding of the histories and cultures of Indigenous Peoples. States must ensure full access to inter-cultural education at all levels.
372. Urges States to penalize degrading images of Indigenous Peoples, in particular Indigenous women. States should guarantee to Indigenous Peoples access to the media and assist in the development of Indigenous media.
373. Urges States to recognize the languages of Indigenous peoples and devote resources and establish programs to ensure the survival, promotion, and continuation of such languages. States, in agreement with Indigenous peoples, should design and implement language and education policies that promote the right of Indigenous peoples to assert their cultures and languages.
374. Demands that States take immediate and effective measures to end the devastation and contamination of Indigenous waters, lands, territories and natural resources and the dispossession and denial of access to these waters, lands, territories and natural resources. Environmental racism specifically affects Indigenous Peoples' traditional means of subsistence, their cultural and spiritual practices, and their sacred and historical sites.
375. Recommends that Indigenous governments and States along with indigenous women and with their full and equal participation, develop programs to promote their civil, political, economic, social and cultural rights; to end disadvantage due to gender and race; to address urgent problems affecting them in all areas of life, including education and employment, health and disability, traditional knowledge, justice, environment and biodiversity; and to end policies of forced sterilization and the use of violence in the public and private spheres.
376. Calls upon States to end the militarization of Indigenous Peoples' lands and

territories and the forced relocation of Indigenous Peoples. The grave situation of the militarization of Indigenous lands and territories, and resultant massive violation of their civil, political, economic, social, and cultural rights must end. States have a duty to restore lands already contaminated through military use.

377. In all measures to be taken by States that may affect Indigenous Peoples there must be full and effective participation of Indigenous Peoples. Consultation on an equal basis must be undertaken by the State with the Indigenous Peoples affected and such measures must not be implemented without their free and informed consent.

378. Indigenous Peoples freely express their own identity and exercise their inherent rights free from all forms of discrimination, which necessarily entails respect for their human rights and fundamental freedoms. Efforts are now being made to secure universal recognition for those rights in processes in the U.N. and the Organization of American States to elaborate declarations on the rights of Indigenous Peoples, which include the following: to denominate themselves under their own names as a collective; to participate freely and on an equal footing with a State's political, economic, social and cultural development; to maintain their own forms of organization, lifeways, cultures and traditions; to maintain and use their own languages and names; to maintain their own legal and economic structures in the areas where we live; to take part in the development of their educational and health systems and programmes; to manage and develop their lands and natural resources, including hunting, gathering and fishing rights; and to have access to justice on a basis of equality, recognizing their own forms of administration of justice.

379. Calls for a U.N. World Conference on Indigenous Peoples.

380. Recommends that the U.N. complete, in coordination with Indigenous Peoples, a comprehensive review of the International Decade of the World's Indigenous Peoples.

381. Urges States and financial and development institutions to mitigate the negative effects of globalization by examining how their policies and practices affect Indigenous Peoples, and to ensure that their policies and practices conform to human rights standards and contribute to the eradication of racism by including the participation of Indigenous Peoples in development projects in accordance with the principle of informed consent and Indigenous self-government; by democratizing international financial institutions; by developing enforceable codes of conduct for transnational corporations; and by consulting with Indigenous Peoples in any matter that may affect their physical, spiritual or cultural integrity.

382. Recommends that the U.N. effectively implement the Permanent Forum on Indigenous Peoples, respecting the processes of the Indigenous Peoples in making nominations to the Forum. This should be done in the following manner:

383. The U.N. should provide sufficient additional funding to carry out the mandate of the forum.
384. The President of ECOSOC should establish an autonomous Secretariat including Indigenous participation in the Secretariat.
385. The U.N. should provide full financial support and resources to the Special Rapporteur on Indigenous Peoples.

## **LABOUR**

386. Racism requires systematic responses at all levels. These responses must be developed recognizing the central role of those effected by racism and the need to be measurable and monitored for impact. These responses must include the ratification and implementation of existing international norms, in particular the UN Convention on the Elimination of All Forms of Racial Discrimination and the UN Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; ILO Convention 111 and other core labour standards, C169 (Indigenous and Tribal People Convention), C143 (Migrant Workers Convention) and the Declaration of Fundamental Principles and Rights.
387. Legal Measures to combat racism and gender discrimination must also include specific attention to employment rights including pay equity and assurances that all workers have recourse to labour law protections. The burden of proof in race discrimination litigation should also lay with those accused of racism.
388. Effect improved gathering of data for the more effective policy formulation and strategic planning particularly in the field of employment, access to social provision and services including housing, education, health etc. This information and consequent policy development should be systematically shared at regional and international levels.
389. Education, both formal and informal, is one of the cornerstones of the strategies required to eliminate racism in the workplace and in society as a whole. Education strategies must include detailed and measurable plans by both governments and NGOs.
390. Governments must prioritise financial resources to ensure that anti racism education is an integrated and core part of the curriculum within schools. This should be alongside measures which should be taken to ensure that teachers are more reflective of the communities which they represent. Governments should require schools to develop comprehensive and measurable anti racist plans of action which include monitoring arrangements to identify progress.
391. Governments must prioritise financial resources, for NGOs, to support anti racism education programmes and initiatives. These programmes should include education programmes in the workplace.
392. A central part of the process of the Durban plan of action, and follow up, must be a comprehensive process of monitoring the change process. Trade unions and other

NGOs must be a comprehensive process of monitoring the change process. Trade unions and other NGOs must be an integral part of this process. Therefore mechanisms for ensuring the involvement of NGOs and, in particular, those effected by racism, must be established by governments and subject to regular reports.

393. NGOs must establish mechanisms for ensuring that the follow up to the Conference can be co-ordinated and fed through the structures established through discussion with governments.
394. Governments must prioritise resources to support NGOs in the follow up process to the Conference. The allocation of resources should prioritise the need to involve those who are directly effected by racism.

### **DOCUMENTED AND UNDOCUMENTED MIGRANTS, MIGRANT WORKERS, REFUGEES, ASYLUM SEEKERS, STATELESS, DISPLACED PERSONS AND MEMBERS OF THEIR FAMILIES**

395. Effectively keep and use disaggregated statistics to assess the complexities of modern migration patterns.
396. Eliminate discriminatory treatment by public authorities, in particular police, other law enforcement officers, immigration officers as well as de facto immigration officials such as airport and airline employees, of persons from countries of immigration, asylum seekers and undocumented persons and to ensure that these groups are provided with necessary information and legal assistance in the event of torture, ill treatment or any kind of violence perpetrated on the basis of racism, racial discrimination, xenophobia and related intolerance.
397. Provide gender-sensitive human rights education and anti-racism training programmes for key professionals frequently in contact with immigrants and asylum seekers, including customs and immigration officials.
398. Provide education and capacity building for refugees, asylum seekers, documented and undocumented migrant workers and migrants on their rights, responsibilities, and avenues for redress.
399. Recognize the professions, qualifications, titles, and degrees of refugees, asylum seekers, and migrant workers, during the period in which they are waiting for legalisation of their status.
400. Recognize and give value to foreign-trained and foreign-educated migrants, migrant workers, refugees, and asylum seekers, stateless and internally displaced persons thereby enabling them to use and improve their skills.

#### *Documented and Undocumented Migrants, Migrant Workers and Members of Their Families*

401. Ensure the protection of economic, social, cultural, civil and political rights, including the right to free mobility and assembly, the access to social services,

health care, education, political participation, including voting rights at all levels, of documented and undocumented migrants, migrant workers and members of their families and to enact and enforce legislation and policies in this respect without delay.

402. Initiate and review policies and regulations that facilitate the regularization and decriminalisation of undocumented migrants, and in the meantime ensure respect for their non-derogable human rights and freedoms, including the right to life, the right not to be tortured, the right to equal access to justice and to security, as well as to other basic rights such as, their right to education, housing, health (with due attention to persons with disabilities), living wages, employment, access to culture and the environment without fear of arbitrary detention and summary deportation.

403. Actively promote and support self-initiatives and non-governmental organizations working to organize and unionize documented and undocumented migrants and migrant workers, allocate sufficient resources, especially to women's groups, to build their capacities to more effectively address human rights violations within their community.

404. Protect the equal rights of migrant women who are particularly vulnerable to violence, including sexual and domestic violence and other forms of abuse, ensure free and full access to remedies for human rights violations and grant them their own independent status in all immigration and migration matters.

405. Recognize the particular vulnerability of migrant and refugee children, particularly unaccompanied and abandoned children, and appoint qualified guardians to children separated from their parents or otherwise unaccompanied by a responsible adult. Furthermore grant citizenship to children of migrant workers in the receiving countries.

406. Recognise that there are diverse ways to establish family relationships and grant and facilitate entry for purposes of family reunification and ensure that, once admitted, family members enjoy secure and independent residence status, including the full enjoyment of social, economic, cultural, civil and political rights.

407. Develop and implement effective gender-sensitive measures and programmes to ensure that the human rights of foreign domestic workers are protected from any form of discrimination, violence, physical and sexual abuse the rights in respect to their trade-unions, professional and technical associations, as well as the rights to fair remuneration are guaranteed and implemented, including to right to redress mechanisms for these rights.

Establish policies that will hold sending and receiving country governments accountable while also enabling them to monitor the activities of non-state agencies such as private recruitment agencies and syndicates.

*Refugees, Asylum Seekers, Stateless and Displaced Persons*

408. Develop programmes and measures for refugees and asylum seekers, with particular attention to women, children, persons with disability and the elderly, that adhere to and are guided by the right of everyone to seek and enjoy in other countries asylum from persecution' as enshrined in the Universal Declaration of Human Rights, and ensure the implementation of national legislation and policies in relation to refugees and asylum seekers be based on a full and inclusive application of the 1951 Convention and its 1967 Optional Protocol relating to the Status of Refugees in light of its object and purpose, in particular the Convention's Article 3 on non-discrimination and the full respect of the principle of 'non-refoulement', as well as all relevant regional Conventions on the protection of human rights.
409. Implement the United Nations Guidelines for Internal Displacement and ensure that national governments, in collaboration with international governmental and non-governmental agencies provide adequate statistics on internally displaced persons.
410. Review current national legislation and measures and refrain from introducing any further measures which may be contrary to the spirit of the 1951 Convention and its 1967 Protocol and can prevent refugees from accessing protection such as visa regimes, restrictive interpretation of the Convention, posting of screening officers in countries of origins and airports, detention of asylum seekers, carriers' sanctions, readmission and involuntary repatriation practices, and 'safe third country' practices.
411. Ensure that legislation and policies take due account of and abide by the legal interpretations, policy directives, guidelines and recommendations of the United Nations High Commissioner for Refugees (UNHCR) and recognize the role of this body as guarantor of the correct application of the 1951 Convention.
412. Acknowledge that persecution motivated by racism, racial discrimination and ethnicity can include the specific targeting of women and recognize this as a basis for granting asylum and eliminate limitations on the right of women to transmit their nationality to their children, on an equal basis with men.
413. Respect and implement the economic, social, cultural, civil and political rights of refugees, asylum seekers and internally displaced persons.
414. Ensure that children of refugees, asylum seekers and internally displaced persons are immediately registered at birth, to suppress instances of statelessness and ulterior related discrimination.
415. Take immediate measures to correct the systemic and structural imbalances in burden sharing, resource allocation and sharing of responsibilities in hosting and giving assistance to refugees in all parts of the world.
416. Terminate the covert and overt discriminatory practices undergirding the imbalanced response to humanitarian assistance in the various world regions, and between refugee groups, with due respect to the specific needs of refugees in refugee camps, shelters or other housing facilities while providing for their

integration or volunteer resettlement to the country of origin and also enabling them to reach their families in other countries of arrival while they are waiting for recognition of their refugee status.

## PALESTINIANS AND PALESTINE

417. Call for the immediate enforcement of international humanitarian law, specifically the Fourth Geneva Convention 1949, in the Occupied Palestinian Territories through the adoption of all measures to ensure its enforcement including all measures employed against the South African Apartheid regime. Call for the immediate convening of the High Contracting Parties to implement this process in fulfillment of their obligation to ensure respect for the Convention in all circumstances. Also call for the immediate deployment of an independent, effective international protection force for Palestinian civilians and the dismantlement of the illegal Jewish Israeli colonies (settlements) and a complete withdrawal of the colonial military occupation.
418. Call upon the United Nations to ensure the implementation of the various UN resolutions on the Occupied Palestinian Territories including the withdrawal of the Israeli colonial military occupation (of the Gaza Strip and the West Bank, including Jerusalem), the right of return for refugees, and for the protection for refugees of the UN High Commission for Refugees until such time as they may be able to exercise their right to return and in accordance with UN resolution 194. Also call for the reinstatement of UN resolution 3379 determining the practices of Zionism as racist practices which propagate the racial domination of one group over another through the implementation of all measures designed to drive out other indigenous groups, including through colonial expansionism in the Occupied Palestinian Territories (in the Gaza Strip, the West Bank, including Jerusalem), and through the application of discriminatory laws of return and citizenship, to obliterate their national identity and to maintain the exclusive nature of the State of Israel as a Jewish state to the exclusion of all other groups. Also call for the repeal of all discriminatory laws within the state of Israel, including those of return and citizenship, which are part of the institutionalized racism and Apartheid regime in Israel.
419. Call for the establishment of a war crimes tribunal to investigate and bring to justice those who may be guilty of war crimes, acts of genocide and ethnic cleansing and the crime of Apartheid which amount to crimes against humanity that have been or continue to be perpetrated in Israel and the Occupied Palestinian Territories.
420. Call for an increased awareness of the root causes of the Israel's belligerent occupation and systematic human rights violations as a racist, apartheid system, through relevant UN agencies working closely with international civil society networks to widely disseminate information including educational packs for schools and universities, films and publications.
421. Call for the establishment of a UN Special Committee on Apartheid and Other Racist Crimes Against Humanity perpetrated by the Israeli Apartheid



regime to monitor and to report Apartheid and other racist crimes, and to recommend the implementation of measures to combat Apartheid and other racist crimes.

422. Call for the establishment of programmes and institutions to combat the racist media distortion, stereotyping and propaganda, including the demonizing and dehumanizing of Palestinians as all being violent and terrorists, and undeserving of human rights protections. Call for the correction of misleading information surrounding their status as indigenous peoples, the history of the violations perpetrated against them, and the on-going distortion of the facts and nature of the peace negotiations.
423. Call for the launch of an international anti Israeli Apartheid movement as implemented against South African Apartheid through a global solidarity campaign network of international civil society, UN bodies and agencies, business communities and to end the conspiracy of silence among states, particularly the European Union and the United States.
424. Call upon the international community to impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa which means the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel. Call upon the Government of South Africa to take the lead in this policy of isolation, bearing in mind its own historical success in countering the undermining policy of “constructive engagement” with its own past Apartheid regime.
425. Condemnation of those states who are supporting, aiding and abetting the Israeli Apartheid state and its perpetration of racist crimes against humanity including ethnic cleansing, acts of genocide.

## TIBET

We call on all states to exert pressure on the Chinese government to open negotiations with the Tibetan government in exile, headed by His Holiness the Fourteenth Dalai Lama, in order to find a mutually acceptable and lasting solution to the situation in Tibet.

We also call for the implementation of the UN General Assembly resolutions on Tibet passed in 1959, 1961 and 1965, affirming the right to self-determination of the Tibetan peoples and for the creation of mechanisms to resolve the foreign occupation of Tibet.

We call upon all States and governments to urge the Chinese government to begin the process of compensating the Tibetan peoples, for the destruction of their religious sites, religion, culture and environment over the past five decades. This process should include compensation for the loss of Tibetan natural resources, taking the form of timber, wildlife products, mineral resources and Tibetan artifacts.

The curtailment of religious freedom through severe restrictions and systematic attack on their religious institutions has resulted in the 'religious cleansing' of the Tibetan peoples.

## RELIGIOUS INTOLERANCE

426. Welcome the initiative of the UN Secretary General in convening the Millenium Peace Summit for World Spiritual and Religious Leaders in celebration of the 20<sup>th</sup> anniversary of the UN Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief and looking forward to its full implementation by all States.
427. Religious intolerance has often exacerbated systemic discrimination and racism resulting in racial violence and intersectional systems of oppression based on, but not limited to, gender, gender identity, sexual orientation, class and economic status, HIV/AIDS and health related issues and abilities;
428. All States should guarantee the right to freedom of expression, thought, conscience, religion and belief without any distinction, exclusion or restriction or preference and that States are obliged to protect the right of individuals and groups to profess and practice their own religion or belief as well as to ensure their right to effectively participate in civil, political, economic, social and cultural life.
429. All States are encouraged to adopt legislation, policies and measures that fulfill the requirements of N human rights instruments concerning freedom of religion or belief and to employ effective mechanisms that ensure their implementation and review national legislation that is discriminatory to religious minorities.
430. All States are encouraged to fully cooperate with the competent UN mechanisms in this field and particularly to extend an open invitation to the UN Special Rapporteur on Religious Intolerance and to provide the Special Rapporteur with their full support, cooperation including access to minority religious communities and individuals.
431. The UN Commission on Human Rights is to be requested to establish a monitoring unit on religious intolerance within the Office of the High Commissioner for Human Rights and in cooperation with the Special Rapporteur on Religious Intolerance and that such a unit is to be adequately staffed and funded.
432. All States should take effective measures against politicization of religious institutions as well as other areas of social and economic life, as this may lead to marginalizing dissenting religious communities and individuals, and they should particularly ensure that women's basic human rights are not denied or in any way limited by the use of religion or belief.

433. All States are called upon to refrain from the perpetration of religion-based intolerance and discrimination, including when linked to race, through a systematic stereotyping of religious minorities in the media, educational curricula and textbooks leading to their further marginalization and distortions.
434. Religious communities and leaders are called upon to play a positive role in bringing spiritual and ethical insights and a commitment to education to effect and promote reconciliation, healing and liberation to address historical and present day inequalities and discrimination;

#### ROMA PEOPLE

435. We urge the United Nations to elaborate and propose for adoption to its members states legally binding instruments on the Roma rights, such as an International Charter on Roma Rights, in order to protect and guarantee the collective rights of the Roma people.
436. We urge the United Nations to provide adequate Roma representation in relevant international and intergovernmental organizations by receiving seats in the United Nations as elected representatives of the Roma, on equal footing with the other nations of the world.
437. We recommend the United Nations and other regional bodies to provide for adequate Roma representation in relevant international, regional and intergovernmental organizations by receiving seats in the United Nations as elected representatives of the Roma.
438. We call upon governments to review, adopt, strengthen and enforce national legislation prohibiting racial discrimination against Roma as well as to adopt and implement affirmative action policies for Roma in employment, education, housing, social security and healthcare services, in order to protect the members of these communities and to prevent and punish such practices. Furthermore, appropriate monitoring bodies, with a local network, need to be established to ensure that governments fulfill their human rights obligations.
439. We recommend States to include the issue of combating racial discrimination against Roma as one of the major topics in bilateral and multilateral treaties.
440. We urge the United Nations, Council of Europe, and the Organisation of American States to establish under their jurisdiction, a Permanent Roma Forum, as a body of elected representatives, which shall monitor and report on the Roma situation in the world and on the implementation of international standards addressing the Roma issue.
441. We welcome the CERD General Recommendation XXVII „Discrimination on Roma” and urge governments to implement these recommendations.
442. We urge governments to ensure the institutional development and full participation to central and local administration, to ensure the right to free movement of the Roma, to support the preservation and development of the

Roma cultural identity, and to provide adequate camping places with all necessary facilities for those Roma who preserve the nomadic life-style.

443. We urge Governments to take concrete measures and support the full development of the Roma children and youth positive self-esteem, the deconstruction of their internalized stigma and the Roma identity awareness, by establishing identity assertive education institutions and by promoting the Roma history, Romani as teaching language and ethnic assertion education programs in the mainstream school.

444. We call upon States to provide the Roma children with equal access to quality education by the desegregation of the schooling system, by enabling Roma parents to take part to school processes and decision; by training and employing Roma teachers and school mediators; and by the development of a more sensitive, inclusive and flexible education systems and school curricula, including non-formal education and distance education, internet classes in places for encampment.

445. We urge governments to fully support the intercultural education, including the provision of adequate funding, for the inclusion of the Roma history in text books and school curricula.

446. We strongly urge governments to draw lessons from history, to acknowledge and publicly condemn the Roma slavery and the German Holocaust against Roma during the Second World War, and we also call upon States which are responsible of these crimes against humanity to fully assume their responsibility, to provide public appology and prompt, adequate and fair reparation and compensation to Roma communities and individuals who were victims of such policies and practices.

447. We urge the United Nations to use its influence to immediately stop the Germany policy of Roma deportation to Former Yugoslavia, a region of ethnic cleansing and war.

448. We urge States and inter-governmental bodies to immediately call upon the involved forces to stop the genocide and the ethnic cleansing against Roma in countries where it takes place. Beginning in 1999, Roma were ethnically cleansed from Kosovo by ethnic Albanians. Kosovo is the worst catastrophe for Roma since the Holocaust.

## TRAVELLERS

States and Governments should pay particular attention to and adopt immediate and concrete measures to eradicate the widespread discrimination and persecution targeting Travellers including through the establishment of structures and processes, in partnership between the public authorities and representatives of the Traveller Communities.

## SEXUAL ORIENTATION

449. Revise existing human rights instruments and ensure the explicit incorporation of the respect for, protection, promotion, and fulfillment of self-determined sexual orientation and gender identity; and take immediate steps to implement all four core responsibilities incumbent on all governments with regard to human rights, both civil and political rights, and economic, social, and cultural rights: to respect these rights, that is not to violate them directly; to protect these rights, that is to ensure that they are not violated by other parties; to promote tolerance and awareness of these rights; and to fulfill these rights, that is to ensure that all persons have the conditions and resources to enjoy these rights freely, fully, and equally.

450. Develop an International Reparations Instrument in accordance with universally recognised human rights norms, whereby all groups and individuals, regardless of race, gender, sexual orientation, gender identity, age, religion, culture, language, disability, economic status, political opinion or national origin who have fallen victim of human rights violations, and in particular discrimination, have the right to reparation.

451. Enact in their Constitutions, clauses guaranteeing non-discrimination and the enjoyment of all individual and collective rights by all persons regardless of race, age, gender, sex, gender identity, sex, ethnic or social origin, sexual orientation, disability, religion, conscience, belief, culture, language and birth.

452. Anti-discrimination policies should be based on the principle of mainstreaming the issue of combating unfair discrimination by including into all stages of decision-making:

- guidelines
- participation of target groups
- positive actions
- implementation mechanisms
- monitoring and impact assessment
- review of policies
- time frames
- measurable goals
- resource allocation
- transparent accountability mechanisms

453. Extend and strengthen programmes on the prevention of HIV/AIDS, including educational programmes that are sensitive to diversity of genders, sexual orientation, and cultures.

454. Pursue educational policies that include cultural, racial and sexual diversity; and that recover the historical contribution of women in the development of their peoples, communities and nations.

455. Revise ILO Convention 111 to include sexual orientation as a

ground protected from discrimination.

456. Convene a UN World Conference on discrimination based on sexual orientation and gender identity.
457. Draft a declaration for the elimination of all forms of discrimination based on sexual orientation and gender identity.
458. Repeal those laws that criminalize consensual same-sex relations.
459. Be created and operated with the participation and representation of all affected populations and peoples.
460. All States develop immigration laws and policies that recognize and protect refugees and asylum seekers who are fleeing persecution on the basis of their gender, gender identity, or sexual orientation.

#### TRAFFICKING

461. *We call on governments to address their accountability in the growth of sex tourism and to take measures to prevent trafficking in persons and sexual exploitation, and to promote and ensure effective legal remedies.*
462. We call on governments to recognize the long-term psychological harms of trafficking and channel resources for the support of victims including counselling, education, health, shelter, voluntary repatriation/resident status and live hold.
463. We call on all states and governments to address the different treatment of trafficked persons, especially women and children of marginalized groups, in terms of protection, recognizing that trafficked persons experience multiple discrimination.
464. We call on all states and governments to ratify and implement all international and regional instruments relevant to trafficking in persons, and enact and implement national legislation, making consent of victims irrelevant, targeting and prosecuting all actors who profit and gain from trafficking to prostitution, including buyers.
465. We call on all states and governments to recognize the accountability of military forces in trafficking, particularly in the U.S. bases and the U.N. peacekeeping forces.
466. We call on all states to establish policies to limit and monitor the activities of non-states agencies such as recruitment agencies.

467. Implement policies and the necessary legislation prohibiting trafficking of persons. These policies should:
- Be developed as regional policies;
  - Provide the appropriate resource allocation for enforcement;
  - Pay particular attention to the trafficking of children, women for sexual exploitation, debt bondage and exploitative working conditions;
  - Assist the victims of trafficking; and
  - Elaborate harsh punitive measures for trafficking syndicates
  - Ratify the UN Trafficking Protocol, attached to the main convention on transnational organized crime, Stockholm agenda for action (Addressing sexual Exploration of Children)

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YOUNG PEOPLE, CHILDREN AND THE GIRL CHILD

468. We call on all states and governments to introduce compulsory anti-racism content with an intersectional analysis in the school curriculum and orientate teachers to promote anti-racism and self and mutual respect amongst all race and ethnic groups. Furthermore, to consult and allow children, young people, their caretakers and their families to participate in and influence the ongoing racial equality aspects of teacher training so as to promote public awareness, embracing and promoting cultural diversity and respect for human rights.

469. We call on all states and governments to improve reporting at the national level on racial and caste discrimination and its effects on children and young people, by actively collecting detail disaggregated and gendered statistical data on issues that affect children and young people. States should also support the involvement of children and young people in such a process. In addition, states should encourage national and international human rights institutions and NGOs to do the same and make such information available (and place greater emphasis on children and young people) in reports to CERD and other relevant treaty bodies.

We call on all states to ratify the Additional Protocol to the Convention on the Rights of the Child (CRC) which prohibits the enrolment of children under the age of 18 into the armed forces and for all states and the UN to ensure its enforcement.

470. Urge governments to allow children, adolescents and youth to be conscientious objectors as a right to voluntary participation in any category of the military field, without risking loss of citizenship rights or social, penal or military coercion.

471. Utilising existing structures, such as the UN Youth unit, to create effective new and existing networks that encourage, develop and sustain the talents of all children and young people. The States should ensure that young people are greatly supported in participating in the development and

implementation of the five year review of the WCAR and will be encouraged, resourced and supported to contribute to the elimination of racism, racial discrimination, xenophobia and related intolerance, both at international and domestic levels, emphasizing the value of children's and young peoples' experience and encouraging exchange programs that allow all children and young people to work with their peers from all over the world, in order to enhance international bonds of solidarity.

472. Urge States, governments and communities to implement the recommendations of the regional seminar of experts on Racial and ethnic conflict prevention in Africa, held in Addis Abbaba in October 2000, with particular attention to the implementation of the rights of the girl child to live within the family, to grow in good health, to access health services, to be provided quality education and play an active role within the community.
473. Urge all states and governments to develop a gendered approach in school curricula, which include references on the specificity of the girl child.