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Agenda item 67

## **Elimination of racism, racial discrimination, xenophobia and related intolerance**

### **Report of the Third Committee**

*Rapporteur:* Ms. Adriana **Murillo Ruin** (Costa Rica)

## **I. Introduction**

1. At its 2nd plenary meeting, on 20 September 2013, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-eighth session the item entitled:

“Elimination of racism, racial discrimination, xenophobia and related intolerance:

“(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;

“(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 68, entitled “Right of peoples to self-determination”, at its 38th to 40th meetings, on 4 and 5 November 2013, and considered proposals and took action on the item at its 44th, 46th, 49th and 54th meetings, on 12, 14, 21 and 27 November 2013. An account of the Committee’s discussion is contained in the relevant summary records (A/C.3/68/SR.38-40, 44, 46, 49 and 54).

3. For its consideration of the item, the Committee had before it the following documents:

### **Item 67 (a)**

### **Elimination of racism, racial discrimination, xenophobia and related intolerance**

Report of the Committee on the Elimination of Racial Discrimination on its eighty-first and eighty-second sessions (A/68/18)



Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ([A/68/329](#))

**Item 67 (b)**

**Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

Report of the Secretary-General on how to make the International Decade for People of African Descent effective ([A/67/879](#))

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action ([A/68/564](#))

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ([A/68/333](#))

4. At the 38th meeting, on 4 November, an introductory statement was made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who responded to the questions and comments of the representatives of the European Union and Nigeria (see [A/C.3/68/SR.38](#)).

5. At the same meeting, the Assistant Secretary-General for Human Rights made an introductory statement and responded to the questions and comments of the representative of the European Union (see [A/C.3/68/SR.38](#)).

6. Also at the same meeting, the Chair of the Working Group on People of African Descent reported to the Committee and responded to questions and comments of the representatives of Nigeria, South Africa, the European Union and Equatorial Guinea (see [A/C.3/68/SR.38](#)).

## **II. Consideration of proposals**

### **A. Draft resolutions [A/C.3/68/L.65](#) and Rev.1**

7. At the 44th meeting, on 12 November, the representative of the Russian Federation, on behalf of Algeria, Angola, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Gabon, India, Iraq, Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Lebanon, Myanmar, Namibia, Nicaragua, the Niger, Nigeria, Pakistan, the Russian Federation, Rwanda, Seychelles, Sri Lanka, the Sudan, the Syrian Arab Republic, Tajikistan, Turkmenistan, Uganda, the United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Combating glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" ([A/C.3/68/L.65](#)), which read:

*“The General Assembly,*

*“Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,*

*“Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004 and 2005/5 of 14 April 2005 and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008, 18/15 of 29 September 2011 and 21/33 of 28 September 2012, as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011 and 67/154 of 20 December 2012 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011 and 67/155 of 20 December 2012, entitled ‘Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action’,*

*“Acknowledging other important initiatives within the General Assembly aimed at raising awareness about racially related suffering, including in the historical perspective, in particular regarding commemoration of the victims of the transatlantic slave trade,*

*“Recalling the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement,*

*“Recalling also the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009, in particular paragraphs 11 and 54,*

*“Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,*

*“Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance,*

*“1. Reaffirms the relevant provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;*

“2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 67/154;

“3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office, and in this regard welcomes the launch by the Office of the High Commissioner of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

“4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

“5. *Stresses* that any commemorative celebration of the Nazi Waffen SS organization and its crimes against humanity, whether official or non-official, should be prohibited by States, as outlined by the Special Rapporteur in his latest report to the General Assembly;

“6. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;

“7. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of national, ethnic, religious or linguistic minorities;

“8. *Reaffirms* that such acts may be qualified to fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, that they may not be justified as exercises of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights and may legitimately be restricted as set out in articles 19, 21 and 22 of the Covenant;

“9. *Expresses deep concern* at attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

“10. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and

by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

“11. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance and expresses concern that, as emphasized by the Special Rapporteur in his report to the General Assembly, the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune from them;

“12. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

“13. *Encourages* States to adopt further measures to provide training to the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence and to strengthen their capacity to address racist and xenophobic crimes and to bring to justice those responsible for such crimes;

“14. *Notes* the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that disseminate ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia;

“15. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

“16. *Recommends* the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

“17. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

“18. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;

“19. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

“20. *Calls upon* States to continue to invest in education, in both conventional and non-conventional curricula, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

“21. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

“22. *Reaffirms* article 4 of the Convention, according to which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention, *inter alia*:

“(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

“(b) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, that promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

“(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

“23. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

“24. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

“25. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the Covenant to implement fully articles 19 and 20 thereof, which guarantee the right to freedom of expression and outline grounds on which the exercise of this right can be legitimately restricted;

“26. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

“27. *Also recognizes* that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance, as stipulated in paragraph 88 of the Durban Declaration;

“28. *Encourages* those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

“29. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

“30. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

“31. *Encourages* States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

“32. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

“33. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights norms, in particular article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights;

“34. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to implement the provisions of the present resolution;

“35. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on this issue,

make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

“36. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-ninth session and to the Human Rights Council at its twenty-sixth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 5, 6, 8 to 10, 18 and 19 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 35 above;

“37. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly, and notes the increase in such contributions received from States;

“38. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

“39. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 35 above;

“40. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

“41. *Decides* to remain seized of the issue.”

8. At its 49th meeting, on 21 November, the Committee had before it a revised draft resolution ([A/C.3/68/L.65/Rev.1](#)) submitted by the sponsors of draft resolution [A/C.3/68/L.65](#).

9. Also at the same meeting, the representative of the Russian Federation made a statement and announced that Ethiopia and the Islamic Republic of Iran had joined in sponsoring the draft resolution. Subsequently, Burkina Faso, Burundi, Guinea and Mauritania also joined in sponsoring the draft resolution.

10. Also at the 49th meeting, the representative of the Russian Federation revised the draft resolution by replacing operative paragraph 36, which read:

“36. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution”,

with the following:

“36. *Encourages* States to consider including in their reports for the universal periodic review and to treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution”.

11. Also at its 49th meeting, the Committee adopted draft resolution [A/C.3/68/L.65/Rev.1](#), as orally revised, by a recorded vote of 126 to 3, with 50 abstentions (see para. 22, draft resolution I). The voting was as follows:

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Canada, Palau, United States of America.

*Abstaining:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland.

12. Also at the 49th meeting, a statement was made before the vote by the representative of Belarus; statements were made after the vote by the representatives of the United States of America, Lithuania (on behalf of the European Union), Argentina, Switzerland and Norway (see [A/C.3/68/SR.49](#)).

## **B. Draft resolutions [A/C.3/68/L.69](#) and Rev.1**

13. At the 46th meeting, on 14 November, the representative of Fiji, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Global efforts for the total elimination

of racism, racial discrimination, xenophobia and related intolerance” (A/C.3/68/L.69), which read:

*“The General Assembly,*

*“Recalling* all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference, and in this regard underlining the imperative need for their full and effective implementation,

*“Recalling also* the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives are yet to be attained,

*“Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

*“Underlining* the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

*“Acknowledging* the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender full enjoyment of civil and political as well as economic, social and cultural rights,

*“Emphasizing* that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and relation intolerance, including their contemporary manifestations, some of which take violent forms,

*“Recalling* the appointment of the five independent eminent experts on 16 June 2003 by the Secretary-General, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon,

*“Acknowledging* that the successful implementation of the Durban Declaration and Programme of Action will require political will and adequate funding at the national, regional and international levels, as well as international cooperation,

**“I**

**“International Convention on the Elimination of All Forms of Racial Discrimination**

“1. *Reaffirms* the paramount importance of universal adherence to and full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly on 21 December 1965, to address the scourges of racism and racial discrimination;

“2. *Underlines*, in the above context, that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, as recognized by the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

“3. *Welcomes* the acknowledgment by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned International Convention, which must be filled as a matter of urgency, necessity and priority;

“4. *Invites* the Human Rights Council, in conjunction with its Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, in the execution of its mandate, to continue to elaborate complementary standards in order to fill existing gaps in the International Convention, as well as to elaborate new normative standards aimed at combating all forms of contemporary racism, thereby also covering areas such as, xenophobia, Islamophobia, anti-Semitism and incitement to national or ethnic and religious hatred;

**“II**

**“Implementation of the Programme of Action for the International Decade for People of African Descent**

“5. *Applauds* the outstanding work undertaken by the Human Rights Council and, in particular, the Working Group of Experts on People of African Descent during the last decade, which culminated in the finalization of the Programme of Action for the International Decade for People of African Descent;

“6. *Welcomes* the proclamation of the International Decade for People of African Descent during its sixty-eighth session;

“7. *Acknowledges* the guidance and the effective leadership role demonstrated by the Human Rights Council, as well as by United Nations agencies, funds and programmes, with respect to the promotion and protection of the rights of people of African Descent, including the restoration of their dignity and the imperative need for their equal treatment in the societies in which they live, and in this regard requests the Council to continue overseeing and guiding the implementation of the activities of the International Decade for People of African Descent;

**“III****“Office of the United Nations High Commissioner for Human Rights**

“8. *Recalls* paragraph 1 of the Human Rights Council resolution 6/22 of 28 September 2007, and calls upon the United Nations High Commissioner for Human Rights to implement the realignment envisaged therein as a matter of urgency, including providing progress reports in this regard to the General Assembly at its sixty-ninth session;

“9. *Regrets* that the United Nations High Commissioner for Human Rights omitted to include the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the twenty major achievements of her Office since the adoption of the 1993 Vienna Declaration and Programme of Action;

“10. *Commends* the United Nations High Commissioner for Human Rights for convening a special event on 21 March 2013 in commemoration of the 2013 International Day for the Elimination of Racial Discrimination, and in particular for bringing together eminent sports personalities to share their experiences of the dangers of racism in sport, in follow-up to the 2012 commemorative event, which was addressed by an eminent personality, and encourages the High Commissioner to continue to highlight the issue of racism in sport;

**“IV****“Independent Eminent Experts to Follow Up the Implementation of the Durban Declaration and Programme of Action**

“11. *Requests* the Secretary-General, in the context of General Assembly resolution [56/266](#), to revitalize and reactivate the operational activities of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action appointed on 16 June 2003, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon;

“12. *Invites* the Human Rights Council to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

**“V****“Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination**

“13. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this

regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

“14. *Requests* the Secretary-General to revitalize the Trust Fund prior to the twenty-fifth session of the Human Rights Council, for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

“15. *Strongly appeals* to all Governments, intergovernmental and non governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

#### “VI

#### **“Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

“16. *Encourages* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, to continue focusing on the present challenges and threats posed by racism, intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to present reports in this regard to the Human Rights Council and the General Assembly;

“17. *Reiterates* the invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

“18. *Decides* to remain seized of this priority matter”.

14. At the same meeting, the representative of Fiji, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, orally corrected the title of the draft resolution to read: “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.

15. At its 54th meeting, on 27 November, the Committee had before it a revised draft resolution entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action” (A/C.3/68/L.69/Rev.1).

16. Also at the same meeting, the representative of Fiji, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, orally revised the draft resolution, as follows:

(a) In the eighth preambular paragraph, the words “non-governmental organizations” were replaced by the words “civil society”;

(b) Operative paragraph 9, which read:

“9. *Requests* the Chair of the Working Group of Experts on People of African Descent to prepare a report on its work for submission to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the General Assembly under the agenda item, ‘Elimination of racism, racial discrimination, xenophobia and related intolerance’, at its sixty-ninth session”,

was replaced by:

“9. *Requests* the Chair of the Working Group of Experts on People of African Descent to make a report on its work available to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled ‘Elimination of racism, racial discrimination, xenophobia and related intolerance’ at its sixty-ninth session”;

(c) Operative paragraph 24, which read:

“24. *Requests* the Presidents of the General Assembly and of the Human Rights Council to convene special meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General, the United Nations High Commissioner for Human Rights, eminent personalities active in the field of racial discrimination, Member States and civil society organizations”,

was replaced by:

“24. *Requests* the President of the General Assembly and the President of the Human Rights Council to convene special meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General, the United Nations High Commissioner for Human Rights, encouraging eminent personalities active in the field of racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the General Assembly and the Human Rights Council, respectively”.

17. Also at the 54th meeting, the Russian Federation joined in sponsoring the draft resolution.

18. At the same meeting, the representative of Israel made a statement and requested a recorded vote on the draft resolution.

19. Also at the same meeting, the Committee adopted draft resolution [A/C.3/68/L.69/Rev.1](#), as orally revised, by a recorded vote of 126 to 9, with 46 abstentions (see para. 22, draft resolution II). The voting was as follows:

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan,

Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Australia, Canada, Czech Republic, France, Germany, Israel, Palau, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Ukraine.

20. Also at the 54th meeting, statements were made before the vote by the representatives of Lithuania (on behalf of the European Union), Switzerland (also on behalf of Iceland, Liechtenstein and Norway) and the United States of America (see [A/C.3/68/SR.54](#)).

### **C. Draft decision proposed by the Chair**

21. At its 54th meeting, on 27 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Elimination of Racial Discrimination on its eighty-first and eighty-second sessions ([A/68/18](#)), the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action ([A/68/564](#)) and the report of the Secretary-General on how to make the International Decade for People of African Descent effective ([A/67/879](#)) (see para. 23).

### III. Recommendations of the Third Committee

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### **Draft resolution I**

#### **Combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Civil and Political Rights,<sup>2</sup> the International Convention on the Elimination of All Forms of Racial Discrimination<sup>3</sup> and other relevant human rights instruments,

*Recalling* the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004<sup>4</sup> and 2005/5 of 14 April 2005<sup>5</sup> and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,<sup>6</sup> 18/15 of 29 September 2011<sup>7</sup> and 21/33 of 28 September 2012,<sup>8</sup> as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011 and 67/154 of 20 December 2012 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011 and 67/155 of 20 December 2012, entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”,

*Acknowledging* other important initiatives within the General Assembly aimed at raising awareness about the suffering of victims of racism, racial discrimination, xenophobia and related intolerance, including in the historical perspective, in particular regarding commemoration of the victims of the transatlantic slave trade,

*Recalling* the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>4</sup> See *Official Records of the Economic and Social Council, 2004, Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

<sup>5</sup> Ibid., 2005, Supplement No. 3 and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

<sup>6</sup> See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. II.

<sup>7</sup> Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

<sup>8</sup> Ibid., *Sixty-seventh Session, Supplement No. 53A (A/67/53/Add.1)*, chap. II.

against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement,

*Recalling also* the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,<sup>9</sup> in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,<sup>10</sup> in particular paragraphs 11 and 54,

*Alarmed*, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

*Deeply concerned* by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance,

1. *Reaffirms* the relevant provisions of the Durban Declaration<sup>9</sup> and of the outcome document of the Durban Review Conference,<sup>10</sup> in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 67/154;<sup>11</sup>

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office, and welcomes in this regard the launch by the Office of the High Commissioner of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

4. *Expresses deep concern* about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Emphasizes* the recommendation of the Special Rapporteur that “any commemorative celebration of the Nazi Waffen SS organization and its crimes against humanity, whether official or non-official, should be prohibited by States”;

6. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant

<sup>9</sup> See A/CONF.189/12 and Corr.1, chap. I.

<sup>10</sup> See A/CONF.211/8, chap. I.

<sup>11</sup> A/68/329.

obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;<sup>12</sup>

7. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national, ethnic, religious or linguistic minorities;

8. *Reaffirms* that such acts may be qualified to fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>3</sup> that they may not be justified as exercises of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights<sup>2</sup> and may legitimately be restricted as set out in articles 19, 21 and 22 of the Covenant;

9. *Expresses deep concern* at attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

10. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

11. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

12. *Expresses concern* at the human rights and democratic challenges posed by all extremist political parties, movements and groups;

13. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

14. *Encourages* States to adopt further measures to provide training to the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence and to strengthen their capacity to address racist and xenophobic crimes and to fulfil their responsibility of bringing to justice the perpetrators of such crimes and to combat impunity;

<sup>12</sup> United Nations, *Treaty Series*, vol. 1125, No. 17512.

15. *Notes* the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that incite racial discrimination or xenophobia;

16. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

17. *Underlines* that the roots of extremism are multifaceted and must be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

18. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

19. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;

20. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

21. *Calls upon* States to continue to invest in education, in both conventional and non-conventional curricula, inter alia, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

22. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

23. *Reaffirms* article 4 of the Convention, according to which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights<sup>1</sup> and the rights expressly set forth in article 5 of the Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, that promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

24. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

25. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

26. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the Covenant to implement fully articles 19 and 20 thereof, which guarantee the right to freedom of expression and outline the grounds on which the exercise of this right can be legitimately restricted;

27. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

28. *Also recognizes* the positive role that the media can play in combating racism, racial discrimination, xenophobia and related intolerance, promoting a culture of tolerance and representing the diversity of a multicultural society;

29. *Encourages* those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

30. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

31. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

32. *Encourages* States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

33. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

34. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights norms, in particular articles 4 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights;

35. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5,<sup>5</sup> that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

36. *Encourages* States to consider including in their reports for the universal periodic review and to treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution;

37. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-ninth session and to the Human Rights Council at its twenty-sixth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4 to 6, 8 to 10, 19 and 20 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 35 above;

38. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly, and notes the increase in such contributions received from States;

39. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

40. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 35 above;

41. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

42. *Decides* to remain seized of the issue.

**Draft resolution II**  
**Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

*The General Assembly,*

*Recalling* all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,<sup>1</sup> and in this regard underlining the imperative need for their full and effective implementation,

*Stressing* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields,

*Recalling* the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives are yet to be attained,

*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

*Underlining* the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

*Acknowledging* the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of economic, social and cultural as well as civil and political rights,

*Emphasizing* that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary manifestations, some of which take violent forms,

*Welcoming* the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

*Recalling* the appointment of the five independent eminent experts on 16 June 2003 by the Secretary-General, pursuant to General Assembly resolution [56/266](#) of 27 March 2002, with the mandate to follow up on the implementation of the

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<sup>1</sup> See A/CONF.189/12 and Corr.1, chap. I.

provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon,

*Underlining* the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, for the successful implementation of the Durban Declaration and Programme of Action,

*Recalling* its resolution 2142 (XXI) of 26 October 1966 by which the General Assembly proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

*Recognizing and affirming* that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

## **I**

### **International Convention on the Elimination of All Forms of Racial Discrimination**

1. *Reaffirms* the paramount importance of universal adherence to and full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>2</sup> adopted by the General Assembly on 21 December 1965, to address the scourges of racism and racial discrimination;

2. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not done so to accede to the Convention as a matter of urgency;

3. *Underlines*, in the above context, that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, as recognized by the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgment by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned International Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Invites* the Human Rights Council, in conjunction with its Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, in the execution of its mandate, to continue to elaborate complementary standards in order to fill existing gaps in the International Convention, as well as to elaborate new normative standards aimed at combating all forms of contemporary racism, thereby also covering areas such as, xenophobia, Islamophobia, anti-Semitism and incitement to national or ethnic and religious hatred;

<sup>2</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

## **II**

### **International Decade for People of African Descent**

6. *Applauds* the work undertaken by the Human Rights Council and, in particular, the Working Group of Experts on People of African Descent, during the last decade, which culminated in the finalization of the draft Programme of Action for the International Decade for People of African Descent;

7. *Looks forward* to the proclamation of the International Decade for People of African Descent during its sixty-eighth session;

8. *Acknowledges* the guidance and the effective leadership role demonstrated by the Human Rights Council, as well as by United Nations agencies, funds and programmes, with respect to the promotion and protection of the rights of people of African descent, including the restoration of their dignity and the imperative need for their equal treatment in the societies in which they live, and in this regard requests the Council to continue overseeing and guiding the implementation of the activities of the International Decade for People of African Descent;

9. *Requests* the Chair of the Working Group of Experts on People of African Descent to make a report on its work available to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled, “Elimination of racism, racial discrimination, xenophobia and related intolerance” at its sixty-ninth session;

## **III**

### **Office of the United Nations High Commissioner for Human Rights**

10. *Recalls* paragraph 1 of the Human Rights Council resolution 6/22 of 28 September 2007,<sup>3</sup> and calls upon the United Nations High Commissioner for Human Rights to implement the realignment envisaged therein as a matter of urgency, including providing progress reports in this regard to the General Assembly at its sixty-ninth session;

11. *Regrets* that the United Nations High Commissioner for Human Rights omitted to include the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the twenty major achievements of her Office since the adoption of the 1993 Vienna Declaration and Programme of Action;<sup>4</sup>

12. *Commends* the United Nations High Commissioner for Human Rights for convening a special event on 21 March 2013 in commemoration of the 2013 International Day for the Elimination of Racial Discrimination, and in particular for bringing together eminent sports personalities to share their experiences of the dangers of racism in sport, in follow-up to the 2012 commemorative event, which was addressed by an eminent personality, and encourages the High Commissioner to continue to highlight the issue of racism in sport;

13. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to fully implement paragraphs 53 and 57 of General Assembly resolution [65/240](#) of 24 December 2010 with regard to the

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<sup>3</sup> See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. I.A.

<sup>4</sup> A/CONF.157/24 (Part I), chap. III.

outreach programme for the follow-up to the commemoration of the ten-year anniversary of the adoption of the Durban Declaration and Programme of Action;

14. *Also requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

#### **IV**

##### **Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action**

15. *Recalls* the appointment by the Secretary-General, pursuant to the Durban Declaration and Programme of Action and its resolution [56/266](#), of five independent eminent experts, on 16 June 2003, with the mandate to follow up on the implementation of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard requests the Secretary-General, in the context of that resolution, to revitalize and reactivate the operational activities of the group of independent eminent experts;

16. *Invites* the Human Rights Council to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

#### **V**

##### **Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination**

17. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

18. *Requests* the Secretary-General to revitalize the Trust Fund prior to the twenty-fifth session of the Human Rights Council, for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

19. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals as well as other donors in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

## **VI**

### **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

20. *Takes note* of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,<sup>5</sup> and encourages the Special Rapporteur, within his mandate, to continue focusing on racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to present reports in this regard to the Human Rights Council and the General Assembly;

21. *Reiterates* the invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

## **VII**

### **Follow-up and implementation activities**

22. *Calls upon* the Human Rights Council to develop and adopt a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution it has made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

23. *Requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution;

24. *Requests* the President of the General Assembly and the President of the Human Rights Council to convene special meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General, the United Nations High Commissioner for Human Rights, encouraging eminent personalities active in the field of racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the General Assembly and the Human Rights Council, respectively;

25. *Decides* to remain seized of this priority matter at its sixty-ninth session under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”.

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<sup>5</sup> A/68/329 and A/68/333.

23. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

**Documents considered by the General Assembly in connection with the elimination of racism, racial discrimination, xenophobia and related intolerance**

The General Assembly takes note of the following documents submitted under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”:

(a) Report of the Committee on the Elimination of Racial Discrimination on its eighty-first and eighty-second sessions;<sup>1</sup>

(b) Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;<sup>2</sup>

(c) Report of the Secretary-General on how to make the International Decade for People of African Descent effective.<sup>3</sup>

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<sup>1</sup> A/68/18.

<sup>2</sup> A/68/564.

<sup>3</sup> A/67/879.