

Human Rights Council
Seventh session
Agenda item 9

African Group: draft resolution

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

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the relevant international human rights instruments, the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by General Assembly resolution 2106 of 4 January, 1969, and the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief, proclaimed by General Assembly resolution 36/551 of 25 November, 1981,

Underlining the importance of the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, namely the Durban Declaration and Programme of Action adopted by the WCAR, and emphasizing that this outcome constitutes a solid foundation for the elimination of all the scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming all the previous resolutions and decisions of the General Assembly, Human Rights Council and Commission on Human Rights on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Stressing the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Emphasizing the urgency, more than ever, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, so as to prevent the recurrence of such acts, and enable all relevant human rights mechanisms to pay due attention and to address this issue,

Recalling Human Rights Council resolutions 5/1 on the institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. Welcomes the work, recommendations and contributions of the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including activities undertaken thus far in raising awareness and highlighting the plight of the victims of racism, racial discrimination, xenophobia and related intolerance and its contemporary manifestations;

2. Decides to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a period of three years; with a view to gather, request, receive and exchange information and communications, with all relevant sources, on all issues and alleged violations falling within the purview of his/her mandate, and to investigate and make concrete recommendations with a view to eliminate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, focusing, inter alia, on the following issues:

a) Incidents of contemporary forms of racism and racial discrimination against Blacks and people of African descent, Arabs, Asians and people of Asian descent, migrants, refugees, asylum seekers and indigenous peoples;

b) Situations where the persistent denial of individuals belonging to different communities and racial groups, of their recognized human rights, constitutes gross and systematic violations of human rights;

c) The scourges of Islamophobia, anti-Semitism and Christianophobia, and contempt of religions and religious symbols as an act of racism, racial discrimination, xenophobia and related intolerance ;

d) The historic context and factors fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and underpinning the inherent inequalities faced by racial groups in various societies and the means to redress their situation;

e) The phenomenon of xenophobia;

f) The situation of people belonging to racial and ethnic minorities;

g) The role of cultural diversity and human rights education in promoting tolerance and the elimination of racism, racial discrimination, xenophobia and related intolerance;

h) Incitement to racial and religious hatred, including through modern information and communication technologies, whether by the media, political parties and groups or individuals, taking into account article 20(2) of the International Covenant on Civil and Political Rights;

i) Instances where the abuse of the right to freedom of expression constitutes an act of racial discrimination, taking into account article 19(3) of the International Covenant on Civil and Political Rights, and that General Comment 15 of the Committee on Elimination of All forms of Racial Discrimination stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;

j) Racism, racial discrimination and foreign occupation;

k) The sharp increase in political parties and movements which adopt xenophobic platforms and incite to hatred, taking into account the incompatibility between democracy and racism;

l) Laws and policies glorifying or legitimizing historic injustices, including colonialism;

m) The impact of counter-terrorism measures on the rise of racism, racial dissemination, xenophobia and related intolerance, including the practice racial, ethnic, national and religious profiling ;

n) Institutional racism and racial discrimination, including in the private sphere;

o) The adequacy of the measures taken by Governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance;

p) Impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing remedies for the victims of these violations;

q) Best practices in the elimination of all forms and manifestations of racism, racial dissemination, xenophobia and related intolerance;

3. *Requests* the Special Rapporteur, in the discharge of her/his mandate :

a) To develop a regular dialogue and discuss areas of possible cooperation, with Governments and all relevant actors, concerning issues pertaining to his/her mandate, and to provide technical assistance or advisory services at the request of the concerned States;

b) To play a role of advocacy and to engage in the mobilization of political will with all relevant actors in States for the elimination of racism, racial discrimination, xenophobia and related intolerance;

c) To coordinate, as appropriate, with other relevant bodies and mechanisms of the United Nations;

d) To integrate a gender perspective throughout the work of his/her mandate through highlighting women's rights as well as reporting on women and racism;

e) To report regularly to the Human Rights Council and to the General Assembly;

4. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested;

5. *Urges* all Governments to respond favorably to the requests of the Special Rapporteur to visit their countries, including follow-up visits;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfillment of his/her mandate.
