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Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

## **Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its sixteenth session**

### **Note by the Secretariat\***

The Secretariat has the honour to transmit the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its sixteenth session, held in Geneva from 27 August to 7 September 2018 and from 11 to 12 December 2018. The report was prepared pursuant to Council resolution 34/34.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## **Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its sixteenth session**

### **I. Introduction**

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with Human Rights Council resolution 34/34.

### **II. Organization of the session**

2. The Working Group held its sixteenth session from 27 August to 7 September 2018 and from 11 to 12 December 2018. Participants discussed and shared views on the state of racial discrimination worldwide, measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and how to ensure better synergies between those mechanisms. The Working Group reviewed the progress achieved in the implementation of the programme of activities of the International Decade for People of African Descent and in the implementation of recommendations adopted at its previous session. It also held a one-day meeting to consider the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent. The Working Group exchanged views on and discussed the impact of extremist political parties and movements with respect to the rise of racism, racial discrimination, xenophobia and related intolerance.

#### **A. Attendance**

3. The session was attended by representatives of States Members of the United Nations, observers from non-Member States and by intergovernmental and non-governmental organizations (NGOs).

4. Under items 5 and 6 of the programme of work, presentations were made by the Vice-Chair of the Committee on the Elimination of Racial Discrimination, Pastor Murillo, and the Chair of the Working Group of Experts on People of African Descent, Michael Balcerzak.

5. Under item 7, presentations were made on racism in sports by a representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on sport and discrimination by the representative of the Fare network, Pavel Klymenko.

6. Under item 8, presentations were made by visiting researcher at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden, and founding member of the European Network of People of African Descent, Michael McEachrane; member of the Swedish parliament and of the standing committee on finance and taxation, Momodou Malcom Jallow; journalist specializing in information sciences and Executive Director of CIPINA (Centre d'Information et de Promotion de l'Image d'une Nouvelle Afrique) International, Tidjane Diouwara; and the Founder of World Afro Day®, Michelle De Leon.

7. Under item 9, presentations were made by the Vice-Chair of the Committee on the Elimination of Racial Discrimination, Gay McDougall; member of the Working Group, Sabelo Gumede; Momodou Malcom Jallow; former OHCHR senior fellow on the fellowship programme for people of African descent, Elisabeth Kaneza; Michael McEachrane; co-founder of the organization Blackbird and leader at the Movement for Black Lives, Thenjiwe Tameika McHarris; PhD candidate in human rights at the Institute for Commonwealth Studies, University of London, Esther Ojulari; adviser on combating racism and xenophobia, Larry Olomofe; lawyer in Guadeloupe and professor of private law

and comparative law at the University of Paris-Sud and the University of the West Indies, Patrice Tacita; member of the Committee on the Elimination of Racial Discrimination, Verene A. Shepherd; Michael Balcerzak; expert on reparations, food sovereignty, African and indigenous popular education and land rights, Priscilla Pambana Gutto Bassett; Professor of international human rights and head of the Department of International and European Law at the University of Amsterdam, Yvonne M. Donders; Tunisian human rights activist and President of the “M’nemti” association against racism, Saadia Mosbah; educator for grassroots Afro-descendant communities of Colombia on Law 70 of 1993, Charo Mina Rojas; and co-founder and co-coordinator of the project ÍRÈTÍ – training in black culture for educators, Amanda Carneiro Santos.

8. Under item 10, presentations were made by Professor of political science at the Faculty of Law of the University of Liège, Jérôme Jamin, and Chair of the Expert Board of the European International Tolerance Centre in Riga, expert and analyst in comparative and motivational analysis of xenophobia and radicalism in Europe and expert on radical right extremism, Valery Engel.

## **B. Opening of the session and election of the Chair-Rapporteur**

9. The Permanent Representative of Lesotho to the United Nations Office and other international organizations in Geneva, Refiloe Litjobo, was elected Chair-Rapporteur.

## **C. Statements**

10. The representative of Cuba reaffirmed her country’s commitments to the Durban Declaration Programme of Action and its support to its effective implementation and expressed the willingness of Cuba to cooperate with the human rights mechanisms that were established to follow up on the World Conference against Racism. She also urged all Member States to combat racism and racial discrimination, xenophobia and related intolerance.

11. The representative of Brazil reaffirmed her country’s commitment to the full and effective implementation of the Durban Declaration Programme of Action. She further expressed serious concern at the rise of hate speech worldwide and emphasized that Brazil was deeply committed at both the national and regional level to the fight against racism and racial discrimination, xenophobia and related intolerance.

12. With regard to the consideration of the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent, the representative of the European Union questioned the added value of having a new instrument. However, she stated that the European Union would pay close attention to presentations on the topic.

13. The representative of Togo expressed the commitment of the African Group to the anti-racist agenda and hoped that the conclusions of the session would be an expression of the political will and commitment of all States and civil society to addressing the plight of many vulnerable communities and people.

14. The representative of Pakistan condemned all acts of racism, racial discrimination, xenophobia and related intolerance and urged all Member States to unify their efforts.

15. The representative of Belgium expressed the view that Member States needed to redouble their efforts to implement the Durban Declaration Programme of Action effectively.

16. The representative of South Africa, with regard to the discussion on the consideration of the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent, argued for a legally binding document.

17. The representative of Lesotho called upon the Working Group to come up with recommendations to demonstrate that racism had no place in the world today. In addition, he noted that the consensus spirit of the Durban Declaration should be followed.

18. The representative of the Plurinational State of Bolivia stated that the country had been implementing a series of initiatives, for example promoting the learning of indigenous languages in schools and learning about indigenous cultures and knowledge. He expressed the country's interest in sharing good practices and its support for a United Nations declaration for the promotion of and respect for the human rights of people of African descent.

19. The representative of the World against Racism Network called on all actors to join in the implementation of the Durban Programme and Programme of Action and the programme of activities of the International Decade for People of African Descent.

### **III. Discussion of the state of racial discrimination worldwide**

20. Mr. Balcerzak discussed some of the main issues he had been working on as Chair of the Working Group of Experts on People of African Descent. He emphasized the recent growing trend of racial inequality, particularly the need to address racism and Afrophobia, and stated that people of African descent were calling for equality data to be collected as an important step in addressing the racism they faced.

21. Mr. Murillo discussed the importance of focusing on people of African descent, as it was the key theme bringing people together when looking at the adoption of a declaration. He noted that a declaration on the rights of people of African descent would be of benefit to the promotion of the International Convention on the Elimination of All Forms of Racial Discrimination and create an opportunity to establish new standards.

22. The representative of the European Union listed its recent initiatives to combat racism and racial discrimination. The European Union recognized the contributions that people of African descent had made to Europe and would ensure the full participation and equal treatment of populations of African descent in Europe. It was committed to promoting the Convention, the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.

23. The representative of Mexico highlighted national initiatives to combat racial discrimination, including the prohibition of racial discrimination enshrined in the Constitution. She also noted remedies for anyone affected by racial discrimination and the measures established to tackle the structural causes of racial discrimination. As a federal State, all 32 federal entities had adopted anti-discrimination laws and 27 had adopted anti-discrimination clauses.

24. The representative of South Africa was concerned that political leaders had shown an increasing tolerance for hate in their platforms, especially for racist and xenophobic speech against minorities and refugees. He called upon States to refrain from utilizing discriminatory speech and underlined the importance of an intersectional approach.

25. The representative of Brazil supported the initiatives in place to address racism and racial discrimination. She stressed the need for a multilateral approach to keep the issue in high profile and the need to elaborate on national development. The fourth national conference for the promotion of racial equality, held in Brazil in May 2018, had concluded with 100 recommendations. That document had been sent to the Government to be incorporated into the national system for the promotion of racial equality.

#### **IV. Discussion on measures to be taken to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of these mechanisms, in line with article 124 of the Outcome Document of the Durban Review Conference**

26. Mr. Balcerzak gave an overview of the efforts made by the Working Group of Experts on People of African Descent to utilize their mandate effectively. Since the mandate was renewed in 2017, the Group had been trying to consult with States to see if its public sessions could be held away from Geneva, to allow more participation of various stakeholders. Another way the Working Group had tried to enhance its effectiveness was to carry out at least two country visits per year. Mr. Balcerzak stated that during country visits, the Working Group also focused on positive developments, such as changes in legislation and State practice, in promoting the rights of the people of African descent. The Working Group was also ready to assist in drafting a United Nations declaration on the promotion of and full respect for the human rights of people of African descent.

27. The representative of the European Union stated that there had not been very much discussion about reviewing the effectiveness of the mandates of the three mechanisms established in the aftermath of the 2001 World Conference against Racism. The European Union was not convinced that the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action added value to the implementation of the Declaration and Programme of Action and the fight against racism. The representative of the European Union reiterated its request to rescind the group. As for the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, she pointed out that during 10 years of meeting, the Committee had not reached a conclusion regarding the existence of substantive or procedural gaps in the Convention.

#### **V. Review of the progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session**

28. The representative of OHCHR delivered a briefing on the work of OHCHR in the field of non-discrimination, racism and sport, and referred to a number of events that it had organized, in particular the pilot project in the Russian Federation aimed at ensuring that non-discrimination policies were part of the preparations for the 2018 football World Cup in Russia. OHCHR was currently cooperating with a number of Russian stakeholders to elaborate and finalize a “non-discrimination legacy” of the World Cup, which would encompass a number of policies geared to eliminating racism and discrimination in sport.

29. Mr. Klymenko discussed the way in which football and other sports could be a tool for social inclusion and the promotion of diversity. The Fare network observer system assessed matches to identify risk levels in racial discrimination and sent trained observers to high-risk matches. In addition, it recorded evidence of discrimination and reported to football governing bodies. In June 2018, it had published the “Global Guide to discriminatory practices in football”, which contained discriminatory practices used in football on all continents. Mr. Klymenko highlighted the impact of the work undertaken by Fare, such as changes in behaviour at international competitions and national level debates after sanctions.

30. The representative of the Bolivarian Republic of Venezuela stated that the country had taken an active part in the debate on the scourge of racism and stressed that the entire international community must be involved. He thanked the Russian Federation for actively expressing rejection of racial discrimination in every match.

31. The representative of Japan raised the issue of discrimination against Asian players. As the country was preparing for the Tokyo Olympic Games in 2020, he reiterated the country's commitment to combating racism in sports.

32. The representative of the European Union addressed the importance of going beyond football to include other sports and asked if there was anything else the European Union could contribute to this theme.

33. The representative of South Africa stated that the country had national experience of how the Rugby World Cup had brought people together in unity. While there had been appreciable progress made in sports, discrimination in sport persisted. He agreed that prominent public figures could be a voice to raise awareness of racial discrimination.

## **VI. Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for people of African Descent**

34. Mr. McEachrane pointed out in his presentation that at the beginning of the third year of the International Decade for People of African Descent, not many States had launched the Decade, especially those with sizeable black populations. He suggested a few things that could be done to promote the Decade at the United Nations. First, drafting a declaration on the promotion of and full respect for the human rights of people of African descent. Second, setting up a voluntary fund for people of African descent. Lastly, organizing a major international academic conference as a collaboration between OHCHR and the United Nations Educational, Scientific and Cultural Organization on the theme of "recognition, justice and development" for people of African descent, which could result in a three-part book series on the theme, containing analysis and recommendations.

35. Ms. De Leon provided an overview of World Afro Day, which is a global day of change, education and celebration of "Afro" hair. This initiative began because of cases of discrimination around the world against people of African descent wearing their natural hairstyles. Recent cases included children turned away from school because of their hair to adults who were discriminated against in their daily working environment or other spheres. Such discrimination dated back centuries and had an impact on people's self-esteem, opportunity, health, economic and political rights. Ms. De Leon believed the Decade had an opportunity to address unique problems predominantly experienced by black people. She recommended the drafting of an African child declaration to offer protection for current and future children from oppression in the school system. Providing education through history classes and fun activities in schools that focus on empathy, equality, and empowerment could also be a good solution to preventing further discrimination based on hair.

36. Mr. Jallow highlighted the importance of the Decade and the Durban Declaration and Programme of Action because the stories of people of African descent were still not being taught and nor were they equally represented in the different spheres of society. Discriminatory policing and ethnic profiling were long-standing issues. The continuing rise of extreme political parties that undermined efforts to combat racism was concerning. He acknowledged the efforts made by the European Parliament and European Economic and Social Committee to host the inaugural People of African Descent week and called on States not just to have a national action plan against racism, but to adopt, strengthen and implement action-oriented policies, programmes and projects to combat racism and Afrophobia.

37. Mr. Diouwara gave his presentation from a journalist's point of view. He commented that the media did not portray people of African descent unless it was in a negative light. It was important to discuss people of African descent in a positive light, especially the dynamic youth of Africa, to highlight people of African descent as international partners.

38. The representative of the European Union provided an update on European efforts to promote the Decade. The European Parliament had organized "Fundamental rights aspects of Black Europeans and People of African Descent Week" in May 2018. The European

Commission had also decided to devote a specific thematic discussion of the High-level Group on combating racism and other forms of intolerance to the topic of Afrophobia in December 2017.

39. The representative of Cuba underscored the importance of public policy and pointed out the significance of preserving traditional languages. In addition, she called for Member States to protect African cultures and religions.

## **VII. Consideration of the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent**

### **A. Discussion of the *raison d'être* for a declaration**

40. Ms. McDougall opened the discussion on the necessity for a United Nations declaration on the promotion of and full respect for the human rights of people of African descent. She suggested general recommendation No. 34 (2011) on racial discrimination against people of African descent of the Committee on the Elimination of Racial Discrimination as a template on which to expand when drafting the declaration. It could play a central role in promoting special measures, including affirmative action.

41. Mr. Gumedze noted that people of African descent continued to live in fear and were often subjected to racial profiling with a high risk of imprisonment. That fear was compounded by the rise of xenophobia against migrants, refugees and asylum seekers. He further noted that the protection of human rights for people of African descent remained inadequate owing to the lack of national policies allowing for the collection of disaggregated data based on ethnicity and race, and recommended that the elaboration of a declaration take place as soon as possible.

42. The representative of Brazil noted that it was necessary and urgent to begin negotiations on drafting a declaration. All over the world, people of African descent remained invisible in relation to issues of discrimination in areas such as education and health care. The declaration should promote and actualize already existing rights and not the creation of new rights. It should recognize the legacy of slavery, colonialism and the persistence of racism, racial discrimination, xenophobia and related intolerance in relation to people of African descent. Poverty, exclusion and marginalization should also be addressed. Brazil supported the holding of a consultation process to elaborate a declaration by the year 2024.

43. The representative of Argentina reiterated his country's commitment to global progress to guarantee the recognition and full enjoyment of human rights of people of African descent. He stated that Argentina viewed the declaration as important because of the urgent need to eradicate racism and discrimination. He also recalled that the drafting of a declaration did not establish new rights, but worked to promote existing rights, recognizing the challenges that existed and elaborating strategies to deal with them.

44. The representative of Peru highlighted the importance and significance of people of African descent in Peru. He stated that Peru supported the rights of Afro-Peruvians. When drafting the declaration, it would be important to hold a national dialogue between governments and civil society.

45. The representative of Costa Rica emphasized the need to refer to article 1 of the Universal Declaration of Human Rights, in which the standard of non-discrimination was outlined. The identification of rights and State responsibility should be the aim of the declaration and violation of those rights should be penalized.

46. The representative of the Plurinational State of Bolivia supported the drafting of a declaration in order to combat discrimination against people of African descent and highlighted the importance of involving civil society and social movements (particularly those of people of African descent) to take part in the process.

47. Ms. Kaneza stated that the declaration would not establish new standards but would help to emphasize existing norms. Everywhere, people of African descent were targeted and needed protection. She noted that the declaration had the potential to provide a blueprint for future action after 2024. Ms. Kaneza also encouraged strong representation of people of African descent, as well as representatives of civil society and communities, in the drafting process.

48. Mr. Jallow said a declaration would show the commitment of the international community to legal frameworks regarding people of African descent. Member States should not only commit to, but also be involved in the process of drawing up, the declaration. In addition, the declaration should clearly manifest the ambition to make real changes to the everyday lives of people of African descent.

49. Mr. McEachrane noted that a declaration, together with a forum, could institutionalize the dignity and rights of people of African descent in a similar way to the way indigenous rights had been institutionalized. He further noted that a declaration would serve to strengthen the integrity of the human rights of people of African descent, reaffirm principles of equality and recognize special rights including the rights to special measures for people of African descent.

50. The representative of Colombia expressed his country's continued commitment to implementing measures to promote the protection of human rights for people of African descent, including the drafting of a declaration. He noted that Colombia would continue to adopt measures to strengthen minorities, especially people of African descent.

51. The representative of Angola expressed his country's interest in supporting a declaration and further expressed his hope that the discussion of a declaration did not become mere rhetoric but would be action-oriented.

52. The representative of the European Union stated that it remained committed to the fight against racism and fully agreed to devote specific attention to the issues of people of African descent. However, she stated that the European Union was not yet convinced that an additional instrument, such as a declaration, was the best way forward in combating racial discrimination in all its manifestations. She argued that the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, including specific attention paid to people of African descent, was the most effective way to combat racial discrimination.

53. The representative of Nigeria noted that a declaration was important in the fight against racism. He called upon stakeholders to proceed with the declaration and to have it finalized by 2024, when the International Decade ends.

54. The representative of Azerbaijan acknowledged that despite the efforts made, people of African descent still suffered from multiple aggravated or intersecting forms of discrimination, which must be tackled. He stated that Azerbaijan supported the elaboration of a declaration and that it should be an inclusive and open concept that engaged all relevant stakeholders and civil society organizations from Africa and elsewhere.

55. The representative of China stated that China fully supported the drafting of a declaration. She urged all Member States to adopt an attitude of zero tolerance of all forms of racism and to implement effective measures to fight racism and xenophobia. She also called upon States to root out the cause of racism and to promote harmonious relationships between religions.

56. Ms. Ojulari commented that many groups that had been historically discriminated against sought more protection through specific instruments related to their specific experiences. In the case of people of African descent, the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and general recommendation No. 34 of the Committee on the Elimination of Racial Discrimination could provide a framework. A declaration should confront ongoing paradigms of colonialism, which, since the colonial period, had functioned to dehumanize Africans and their descendants. For example, people of African descent throughout Latin America had contributed to expanding notions of collective rights. A declaration had the potential to create important protective mechanisms and to expand the scope of collective

rights towards internationally accepted norms. Finally, people of African descent should not only be rights holders but also active participants and protagonists.

57. Ms. McHarris emphasized the need for a declaration. She further noted that significant numbers of frameworks existed, such as the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination. However, instead of better implementation of those mechanisms and frameworks, a declaration could create a blueprint as to how the mechanisms and frameworks must be applied in relation to communities in the diaspora of people of African descent.

58. Mr. Tacita noted that culture and cultural visibility should be considered when drafting a declaration and a monitoring mechanism should be established to oversee the effective implementation of the declaration.

59. The representative of US Human Rights Network recommended the elaboration of a declaration to interpret and articulate international human rights laws as they applied to the specific situation of people of African descent. He also recommended allocating adequate funding for the full and effective participation of grass-roots leaders. In addition, a United Nations voluntary fund for people of African descent should be established, modelled on the United Nations Voluntary Fund for Indigenous Peoples. Finally, he called upon the stakeholders to have an open and transparent drafting process before the end of the International Decade for People of African Descent.

## **B. Discussion of the scope of a declaration**

60. The representative of South Africa underscored the importance of the Durban Declaration as an instructive outcome document of a United Nations gathering. He stated that in order to achieve the outcome of a declaration, a broad and all-inclusive national and international consultation would be required including people of African descent in the process.

61. The representative of Brazil encouraged States to engage in regional and national consultations. A declaration was necessary and urgent and would be a key outcome of the International Decade. Regarding the scope of the declaration, the connection between the legacies of slavery, colonialism and racism, racial discrimination and the poverty of people of African descent today should be stipulated. Affirmative action should also be included. The representative of Brazil referred to the Declaration of Santiago and the accompanying Plan of Action and the expert workshop on people of African Descent, which was the first workshop on people of African descent in the Americas, held at the offices of the Organization of American States in 2010.

62. Ms. Shepherd expressed the willingness of the Committee on the Elimination of Racial Discrimination to contribute to the drafting process of a declaration. The Committee was committed to the declaration, which also aligned with its general recommendation No. 34. Ms. Shepherd agreed that the declaration should also address historical wrongs that continued to affect people of African descent negatively, such as a right to reparations. As for the eradication of poverty, the declaration could establish measures to eradicate poverty among people of African descent that aligned with Goal 1 of the Sustainable Development Goals. She suggested that the right to quality education be featured prominently in the draft declaration.

63. Mr. Balcerzak pointed out that legal norms were already in place. The declaration must have added value, such as emphasizing reparations for people of African descent who were victims. Furthermore, he noted that the Vienna Declaration and Programme of Action of 1993 should not be forgotten and the proposed declaration should emphasize the indivisibility of human rights for people of African descent.

64. Ms. Bassett mentioned that for people of African descent, territorial rights were linked with cultural, traditional and ancestral knowledge. Community members and leaders, therefore, should be active participants in drafting the declaration.

65. Ms. Donders shared her view on cultural rights. Challenges included how to translate broad concepts of culture into legal documents pertaining to areas such as sports, arts, land, etc. She further stated that equality meant a right to be different. Equality rights did not mean that everyone should be treated equally and that the implementation of rights could be different. It was important to include cultural rights in the declaration and to recognize the cultural dimension in the rights to self-determination, freedom of expression and education. Ms. Donders also mentioned collective cultural rights, as rights holders and their beneficiaries were groups, communities and peoples, as well as individuals.

66. Ms. Mosbah gave an overview of the history of Tunisia as the first country to abolish slavery. A declaration would provide for a legal platform, as Tunisia did not have any legislation against racial discrimination. She believed that a declaration was essential for the Government of Tunisia to recognize the distinct needs of people of African descent and address the issue of migration in North Africa.

67. The representative of the Bolivarian Republic of Venezuela stated that his country fully supported Human Rights Council resolution 35/30 and noted that recognition of past wrongs, development and land rights should be included in the declaration. He requested OHCHR to provide space and technical, financial and logistical support.

68. Ms. Mina Rojas highlighted the importance of the Declaration and called upon States to review their constitutions. Historical reparations should be implemented and mechanisms should be put in place to deal with territorial and environmental rights. The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) (arts. 14 and 15) could provide a framework.

69. Ms. Carneiro Santos reported that according to the national census of Brazil, more than 50 per cent of the population identified as people of African descent. Acknowledging the significant progress Brazil had made, including the history of people of African descent being taught in schools since 2003, she called for State funding for an exhibition on people of African descent with a gender-sensitive approach, ensuring the participation of female cultural activists.

70. Mr. Murillo pointed out the increase in racial discrimination against people of African descent and called for commitment by States to overcome those challenges. With regard to the declaration, the right to recognition as a distinct people and ethnic group, the right to full participation, the right to communal land in ancestral territories and the right to preserve natural resources and collective knowledge should be highlighted. In his view, a declaration would also foster the possibility of maintaining an ongoing dialogue.

71. Ms. De Leon commented that Afro hair (which has been targeted as an ethnic feature) should be included in policies regarding combating racial discrimination as part of the draft declaration.

72. Ms. Kaneza addressed the fear of NGOs that the declaration would be in conflict with the Durban Declaration and wished to warn against a tendency to assume the separation of the two documents.

73. Ms. Shepherd agreed with Ms. Kaneza and reassured the participants that although the United Nations mechanisms might seem overlapping, it would actually strengthen the rights of people of African descent. Focusing on people of African descent would not diminish the rights of other minority groups. Ms. Shepherd further pointed out that there were several overlapping mechanisms in the United Nations, which strengthened rather than weakened the overall goal of combating racial discrimination. She encouraged everyone to continue the conversation and to commit collectively to ending discrimination against people of African descent.

## **VIII. Impact of extremist political parties and movements on the rise of racism, racial discrimination, xenophobia and related intolerance**

74. Mr. Jamin explained the impact of hate speech on violence. If an extreme-right party was invited to speak in mainstream media and made a speech legitimizing xenophobia, then the public would also legitimize xenophobia soon afterwards. He pointed out two phenomena that characterized the discourse of far-right parties in Europe. One was xenophobia-based protection, such as “we reject the foreigner because they risk disadvantaging our country” and the other was a strategic Islamophobia, such as “we reject Muslims because of their religion and not because of their origin”. Mr. Jamin stated that it was necessary to pay close attention to the fact that extreme-right parties did not reject fundamental rights and might even defend them. However, such extremist parties set up a hierarchy where some rights were more important than others. Fundamental rights should be universal, but the far right accepted only some rights and disconnected them from their universal nature.

75. Mr. Engel was of the view that extremist radical parties were not the only ones responsible for racist attitudes. Rather, parties were part of a more complicated system, which itself led to xenophobia. The State played quite a substantial role because it set the rules (including the rules for minority integration). The lack of capacity of a State led to radicalization among minorities. As an example, legalized discrimination against minorities led to an undermining of democratic values that then transformed the political establishment, which in turn further radicalized voters. Mr. Engel made several recommendations: that enacting legislation of a forcible nature intended to assimilate national religious minorities in the interest of their integration be avoided; that the presence of national and religious minorities where their very existence was disputed be recognized; that there was a need to enact legislation on the protection of rights of national minorities so that they could have cultural autonomy; that States needed to oversee private cultural associations or religious institutions to ensure protection against propaganda; and that there should be an overall system of criteria for the definition of hatred.

76. The representative of the European Union commented that extremist populists aimed to undermine European core values. Thus, the European Union had initiatives in place to ensure that the Internet remained a place of free and democratic expression where European laws and values were respected. Combating hatred required a social shift, proper education, etc. The representative of the European Union pointed out that the discussion should extend beyond Europe.

77. The representative of Brazil drew attention to the acknowledgment by the Human Rights Council of the linkage and complementarity between the fight against racism, racial discrimination, xenophobia and related intolerance with the long-term destruction of democratic societies. She requested the panellists to provide additional strategies to deal with the rise of xenophobic and racist discourse as a political tool.

78. The representative of the Russian Federation warned of a recent commemorative event in one country conducted for veterans of the Waffen-SS divisions. She stressed that this event and others were setting a wrong example to younger generations and could negatively influence the way in which young people related to Nazism. She stated that the Russian Federation was committed to preventing Nazi and neo-Nazi movements from acting on Russian territory. She called upon States to work together in order to root out budding movements which incited racism, Nazism and xenophobia.

79. The representative of Pakistan said that in certain parts of the world, freedom of expression was afforded great importance and thus provided a space for hate speech. She noted that practical strategies should be adopted to address such a phenomenon.

80. The representative of the Bolivarian Republic of Venezuela condemned racist acts against migrants and reaffirmed the firm commitment of his country to combating racism, racial discrimination, xenophobia and related intolerance, in particular those attitudes that led to racial, national or religious discrimination.

81. The representative of Nigeria highlighted the need for an evidence-based approach to the management of migration and migrants. Accurate portrayals of migrants and migration were needed. Evidence was presently available that gave weight to the benefits of migration rather than just the challenges. He stressed that there should be an effort to counter xenophobia and political narratives on migration and migrants that distorted reality.

82. In response to questions from the room Mr. Jamin noted that there was a need for a shift in the perception of authority. Many far-right and extremist parties in general entitled themselves to the authority label by claiming that they were the most powerful authorities. That was why many people were drawn towards the extreme, not because they were racist or xenophobic, but often because they had a thirst for a strong authority. As for legislation, there were laws dealing with racism and as a result, openly racist discourse had disappeared from the media. Mr. Jamin mentioned Facebook and other private operators with which States could cooperate. Finally, he questioned how countries could spend so much money to create peaceful societies and yet allow a private operator (such as Facebook) to disseminate hate speech and racism with total impunity.

83. In the same vein, Mr. Engel indicated that the immediate step required was for Governments to put in place a system to reduce crimes based on hatred and xenophobia. Simple mechanisms for reducing hate-based crimes included criminalizing hate speech and prosecuting those responsible. Secondly, he believed that States should abandon enforcing legislation intended to assimilate national religious minorities.

## **IX. Conclusions and recommendations**

### **A. Discussion on the state of racial discrimination worldwide**

#### **1. Conclusions**

##### **84. The Working Group:**

(a) **Reaffirms that the combating of all the scourges of racism is a legitimate concern of the international community;**

(b) **Reiterates that non-discrimination and equality before and of the law constitute fundamental principles of international human rights law and underpin the Universal Declaration of Human Rights and the main international human rights treaties and instruments;**

(c) **Emphasizes that the Durban Declaration and Programme of Action remains a solid basis, as the only instructive outcome document of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for further actions and initiatives to combat all forms of racism, racial discrimination, xenophobia and related intolerance, including its contemporary and resurgent manifestations, some of which have regrettably taken a violent form;**

(d) **Reaffirms its full respect for and commitment to the Durban Declaration and Programme of Action, its full and effective implementation and comprehensive follow-up to the 2001 World Conference and the Outcome Document of the 2009 Durban Review Conference, in accordance with Human Rights Council resolution 3/2;**

(e) **Notes that people of African descent and Africans in the diaspora throughout the world constitute some of the poorest and most marginalized groups;**

(f) **Reaffirms its commitment to the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference and the political declaration issued on the tenth anniversary of the Durban Declaration and Programme of Action. It also reaffirms the fundamental importance of universal accession to, or ratification of, the International Convention on the Elimination of All Forms of Racial Discrimination;**

(g) Recalls the commitment at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the achievement of the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005, which has not been met, and to this end, invites the High Commissioner for Human Rights to maintain a regular publication on the status of ratification of this fundamental instrument for the attainment of human dignity and equality;

(h) Notes with deep concern that violent manifestations of racism, racial discrimination, xenophobia and related intolerance all over the world have been increasing and points out that efforts to combat their spread should be enhanced at international, regional and national levels;

(i) Recognizes that victims of racism, racial discrimination, xenophobia, and related intolerance can suffer from multiple, aggravated or intersecting forms of discrimination, based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

(j) Recognizes the importance of paying special attention to new manifestations of racism, racial discrimination, xenophobia and related intolerance to which youth and other vulnerable groups might be exposed;

(k) Recalls the urgency for States and international and regional organizations, NGOs and the private sector to address the situation of persons with disabilities who are also subject to racism, racial discrimination, xenophobia and related intolerance and to multiple or aggravated forms of discrimination, and urges them to take the necessary measures to ensure their full enjoyment of all human rights and to facilitate their full integration into all fields of life, and in that regard urges all States that have not done so to sign and ratify the International Convention on the Rights of Persons with Disabilities and its Optional Protocol as a matter of priority;

(l) Recognizes that many contemporary forms of racism, racial discrimination, xenophobia and related intolerance are related to the legacy of slavery, the slave trade, especially the transatlantic slave trade, apartheid, colonialism and genocide, and further acknowledges that slavery and the slave trade are crimes against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance;

(m) Expresses concern with regard to the increase in the incitement to violence, racial hatred, hate speech, hate crimes, neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice, including the resurgence of white supremacist ideologies that fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in particular in relation to people of African descent, Asians and people of Asian descent, Roma, gypsies and Sinti, as well as migrants, refugees and asylum seekers;

(n) Underlines the key role that politicians, political parties and movements, together with other relevant actors, can play in combating and preventing racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia to take decisive steps to combat racism in all its forms and manifestations and to move away from denials of the persistence of racism, such as by developing voluntary codes of conduct that include internal disciplinary measures for violations thereof, so that members of political parties and movements refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

(o) Reaffirms, in line with the Durban Declaration and Programme of Action, that all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, morally condemnable and socially unjust;

(p) Acknowledges that, among others, the media and other principal actors have a crucial role to play in combating racism, racial discrimination, xenophobia and related intolerance. Certain media, by promoting false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups.

## **2. Recommendations**

85. The Working Group recommends that Member States:

(a) Fully and effectively implement their obligations arising under international law, particularly the non-discrimination clauses in the Charter of the United Nations; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Those States that have not yet done so are urged to consider ratifying those two Covenants and the Convention;

(b) Establish mechanisms, as appropriate, to follow up and implement recommendations on racism, racial discrimination, xenophobia and related intolerance, including those relating to people of African descent, emanating from international mechanisms, such as the Committee on the Elimination of Racial Discrimination and other treaty bodies, special procedures mandate holders, the universal periodic review and relevant regional mechanisms;

(c) Cooperate fully and respond positively to requests for country visits by the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms working on issues related to racism, racial discrimination, xenophobia and related intolerance;

(d) Establish national legislative frameworks and national action plans against racism, racial discrimination, xenophobia and related intolerance, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(e) Establish or strengthen, as appropriate, and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and promote racial equality with suitable financial resources and the capability and capacity to survey, investigate, educate and undertake public awareness-raising activities in line with the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference.

## **B. Measures to be taken to enhance the effectiveness of the follow-up mechanism to the Durban Declaration and Programme of Action and to ensure better synergies and complementarities in the work of these mechanisms, in accordance with paragraph 124 of the Outcome Document of the Durban Review Conference**

### **1. Conclusions**

86. The Working Group:

(a) Recognizes the importance of continued efforts aimed at improving the efficiency and effectiveness of the Durban follow-up mechanisms and commits to increasing efforts aimed at avoiding overlapping and/or duplication of initiatives;

(b) Reaffirms the role to be played by all Member States in the Durban follow-up process, in particular the role of the African Group as the host of the 2001

World Conference against Racism, in close collaboration with OHCHR and other regional groups;

(c) Acknowledges the need to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity in the work;

(d) Commits to improving its methods of work aimed at enhancing its effectiveness and efficiency, including deciding that procedural issues, including ones relating to the agenda, programme of work and themes for deliberations, will be addressed by the Chair at least three months before the beginning of the respective session, requesting that the Secretariat circulate all relevant documents, both procedural and substantive, at least six weeks before the respective sessions start and that the Secretariat notify NGOs, national human rights institutions and other stakeholders well in advance with regard to upcoming sessions;

(e) Commits to increasing efforts to complement the work of other Durban follow-up mechanisms aimed at avoiding overlapping and/or duplication of initiatives and agrees to continue discussion of this at future sessions;

(f) Requests OHCHR in scheduling the relevant sessions of the Durban Declaration and Programme of Action follow-up mechanisms, to avoid overlap between their respective sessions, and also to avoid overlap with sessions of the Human Rights Council and its various mechanisms, in order to allow significant participation of Member States, regional and subregional organizations, national human rights institutions or similar bodies and civil society organizations.

## 2. Recommendations

### 87. The Working Group:

(a) Requests OHCHR to report to the Working Group at its next session on the budgetary implications and modalities of organizing some of the public sessions of the Working Group of Experts on People of African Descent in other parts of the world, in order to enhance the effectiveness of the Working Group's mandate;

(b) Reiterates its request for more cooperation between the Durban follow-up mechanisms and relevant human rights bodies, including treaty bodies and special procedures mandate holders, with the aim of developing synergies and complementarities between those mechanisms;

(c) Stresses the importance of a balance, including gender and regional criteria, for the invitation of experts and civil society representatives, among other relevant stakeholders, to the Durban follow-up mechanisms;

(d) Notes with satisfaction the efforts taken to fill the two vacancies in the group of independent eminent experts and looks forward to revitalizing the role of the group in providing advice and mobilizing global political will for the implementation of the Durban Declaration and Programme of Action. The Working Group requests that renewed steps be taken to expedite the appointment of the experts;

(e) Encourages OHCHR, in line with paragraph 191 (b) of the Durban Declaration and Programme of Action, to cooperate with the group of independent eminent experts in the elaboration of an annual progress report on the implementation of the provisions of the Durban Declaration and Programme of Action.

## **C. Review of progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session**

### **1. Conclusions**

#### **88. The Working Group:**

(a) Reaffirms the importance of assessing the level of implementation of its recommendations, sharing practices and discussing challenges and the way forward;

(b) Acknowledges the joint efforts of various stakeholders, which have contributed significantly to raising awareness of the actions taken to combat discrimination during the recent World Cup in the Russian Federation. The Working Group takes notes of the “Global Guide to discriminatory practices in football” published by UEFA and the Fare Network, which is a tool to help recognize and prevent the display of racist symbols and behaviour;

(c) Takes note of the OHCHR pilot project on the non-discrimination legacy of the 2018 World Cup in the Russian Federation.

### **2. Recommendations**

#### **89. The Working Group:**

(a) Recommends that OHCHR cooperate with other relevant international, regional and national sports associations and federations, as well as non-governmental organizations and civil society, in the development of programmes to prevent and eradicate racism, racial discrimination, xenophobia and related intolerance in sport and to use sports as a tool to eliminate all forms of discrimination, including long-term strategies that focus on dialogue and empowerment. The Working Group is also considering expanding partnership with organizations including the United Nations Children’s Fund (UNICEF), ILO and international youth associations, among others;

(b) Encourages States organizing future mass sporting events, international sports associations and relevant non-governmental organizations to use the opportunity presented by such events to undertake activities aimed at fighting all forms of racism, racial discrimination, xenophobia and related intolerance in sport, in particular through awareness-raising activities on the problems associated with racism, racial discrimination, xenophobia and related intolerance;

(c) Recalls the invitation extended by the Working Group at its thirteenth session to OHCHR to contribute to the development of a multi-year programme of action 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;

(d) Recalls the recommendation of the Working Group at its eighth session, in which it highlighted “the importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of all relevant stakeholders in its realization”, and the repeated calls by the General Assembly, the Human Rights Council and the Working Group to intensify efforts to distribute widely copies of the Durban Declaration and Programme of Action;

(e) Encourages OHCHR to make available and distribute the combined publication containing the Durban Declaration and Programme of Action, the Outcome Document of the 2009 Durban Review Conference and the political declaration adopted by the 2011 High-level meeting to commemorate the tenth anniversary of the Durban Declaration and Programme of Action.

## **D. Review of the progress achieved in the implementation of the programme of activities for the International Decade for People of African Descent**

### **1. Conclusions**

#### **90. The Working Group:**

(a) Reiterates that consistent with the opening paragraph of the programme of activities of the International Decade for People of African Descent, the Decade should not be celebrated by people of African descent alone, but requires the full engagement of the United Nations, Member States, civil society and all other relevant actors to join together in partnership with people of African descent and take effective measures for implementing the programme of activities in the spirit of recognition, justice and development;

(b) Takes note of the hosting of the regional meeting of Europe, Central Asia and North America on the International Decade for People of African Descent and takes note of the outcome document of the meeting;

(c) Welcomes the efforts undertaken by regional organizations with a view to implementing the programme of activities of the International Decade for People of African descent;

(d) Recognizes that the respect for and protection of cultural diversity including, inter alia, language, religion, education and customs can significantly contribute to the fight against racism, racial discrimination, xenophobia and related intolerance, and therefore that people should not be deprived of access to, inter alia, education and the workplace on the grounds of cultural difference.

### **2. Recommendations**

#### **91. The Working Group:**

(a) Calls for a stronger and renewed manifestation of political will in combating racism, racial discrimination, xenophobia and related intolerance in relation to people of African descent, in accordance with the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference, the political declaration adopted during the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action and the proclamation of the International Decade for People of African Descent;

(b) Encourages Member States that have not already done so, to establish national legislative frameworks and develop national policies and mechanisms for people of African descent, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent. In that regard, the Working Group urges Member States, as appropriate, to revise their legislation and/or repeal discriminatory effects therein and to adopt public policies aimed at promoting and protecting all the human rights of people of African descent;

(c) Encourages Member States to take positive measures to eliminate the conditions that cause or contribute to the perpetuation of racial discrimination against and exclusion of people of African descent in all spheres of public life, including, where appropriate, the adoption of policies on affirmative action in the Member States in which they live, and to pay particular attention to the situation of women and girls of African descent who face compounded forms of discrimination;

(d) Encourages Member States to ensure that history is accurately portrayed in education, in order to avoid stereotypes and distortion or falsification of historical facts, which may lead to racism, racial discrimination, xenophobia and related intolerance;

(e) Calls on all Member States, intergovernmental and non-governmental organizations, private institutions and individuals and other donors in a position to do so, to contribute generously to the programme of activities for the implementation of the International Decade for People of African Descent;

(f) Encourages OHCHR to strengthen its capacity-building activities directed to the media, in particular with regard to combating negative stereotyping, prejudice, hate speech and incitement to violence and racial hatred and to pay particular attention to its role in promoting a positive image of people of African descent;

(g) Encourages OHCHR to commence preparations for the next regional meeting in Africa on the International Decade, which will take place in 2019, and to make the effort to ensure broad participation from civil society, including people of African descent.

## **E. Consideration of the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent**

### **1. Conclusions**

#### **92. The Working Group:**

(a) Stresses the urgent need to respect and promote the rights of people of African descent and reaffirms that the main objective of the International Decade for People of African Descent is to promote respect for and protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights. This main objective can be achieved through the full and effective implementation of the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference, the political declaration on the tenth anniversary of the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent, and through the universal accession to or ratification of and full implementation of obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international and regional human rights instruments;

(b) Emphasizes that the United Nations programmes for the combating of all forms of racism and for the promotion, protection and fulfilment of the rights of people of African descent shall be undertaken in the framework of full consultation and collaboration with and participation of civil society;

(c) Reaffirms the value and diversity of the cultural heritage of Africans and people of African descent and affirms the importance and necessity of ensuring their full integration into social, economic and political life with a view to facilitating their full participation at all levels in the decision-making process;

(d) Further reaffirms that people of African descent, in the exercise of their rights, should be free from discrimination of any kind;

(e) Reiterates that people of African descent have suffered and continue to suffer from historic injustices as a result of, inter alia, slavery, the slave trade and colonialism;

(f) Recalls paragraph 29 (h) of the annex to General Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade for People of African Descent, in which the Assembly was urged to request States to consider adopting measures to further promote and protect the human rights of people of African descent, as enshrined in international instruments, including through the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent;

(g) **Emphasizes the need to continue strengthening measures to promote and protect the human rights of people of African descent, as enshrined in international instruments, including through considering the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent, as a step forward in line with resolution 69/16;**

(h) **Acknowledges the progress on recommendations that has been made at the present session and urges participants to continue discussions in the same constructive spirit at its next session;**

(i) **Welcomes the important contributions made and different positions expressed by Member States, panellists and civil society organizations during the one-day discussion on the elaboration of a draft declaration on the promotion of and full respect for the human rights of people of African descent, regarding its necessity and scope;**

(j) **Recalls paragraph 7 of Human Rights Council resolution 35/30, in which the Council urged States to ensure that activities and objectives for the International Decade for People of African Descent were planned and implemented in accordance with paragraph 10 of the programme of activities for the implementation of the Decade on the basis of full consultation and collaboration with people of African descent;**

(k) **Recalls the relevant paragraphs of the Durban Declaration, in which the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance is recognized, in particular in assisting States to develop regulations and strategies, taking measures and action against such forms of discrimination and through follow-up implementation.**

## **2. Recommendations**

### **93. The Working Group:**

(a) **Decides to consider further measures to promote and protect the human rights of people of African descent, as enshrined in international instruments, including through the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent;**

(b) **Recommends that the drafting of a United Nations declaration on people of African descent, if so decided, should involve and benefit from the input of States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, in particular of people of African descent, academia, national human rights institutions and other relevant stakeholders;**

(c) **Decides to be seized of this matter at its seventeenth session under the relevant standing agenda item.**

## **F. Impact of extremist political parties and movements on the rise of racism, racial discrimination, xenophobia, and related intolerances**

### **1. Conclusions**

#### **94. The Working Group:**

(a) **Recalls Human Rights Council resolution 38/19 of 18 July 2018, in which the Council invited the relevant mechanisms of the Council and the treaty bodies to continue to pay particular attention to violations of human rights stemming from racism and xenophobia in political circles, especially with regard to their incompatibility with democracy;**

(b) **Emphasizes that democracy and transparent, responsible, accountable and participatory governance, based on the recognition of, respect for and promotion of cultural, ethnic and religious diversity, and respect for human rights, fundamental**

freedoms and the rule of law, are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

(c) Expresses concern 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 racist extremist movements and ideologies, and at the fact that this trend has resulted in the implementation of discriminatory measures, policies and bills at local or national levels;

(d) Reaffirms that acts of racial violence, incitement to racial hatred or discrimination, inter alia by the dissemination of ideas based on racial or ethnic superiority or hatred, do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts or condone crimes motivated by racist and xenophobic attitudes with any form of impunity, they undermine the principle of non-discrimination and endanger democracy, encouraging the recurrence of such acts;

(e) Acknowledges that the exercise of the right to freedom of expression carries with it special duties and responsibilities, among which the obligation not to disseminate racist ideas is of particular importance, and that freedom of expression shall only be subject to certain restrictions that are provided for by law and are necessary for respect for the rights or reputations of others, including the principles of equality and non-discrimination;

(f) Takes note of general recommendation No. 35 (2013) on combating racist hate speech of the Committee on the Elimination of Racial Discrimination, in particular paragraphs 13–15, which provide guidelines to Member States on the offences punishable by law and the qualification used for dissemination and incitement as offences punishable by law;

(g) Recognizes the importance of sharing good practices, including legislation and initiatives taken at the national and regional level, in addressing the issue of online hate speech and in that connection encourages the policies adopted at the regional level on combating online hate speech, such as the adoption of codes of conduct on countering illegal online hate speech signed by information technology companies and social media providers in the fight against hate speech.

## **2. Recommendations**

### **95. The Working Group:**

(a) Urges States to develop a system of criteria for addressing hate crimes, clearly dividing violent and non-violent acts and comprehensive approaches to counter violent manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political leaders, parties, movements and groups, through solid legal frameworks, based on existing international and regional standards;

(b) Calls upon States to establish in their national legislation that racist and xenophobic hate speech that incites violence or hatred is a criminal offence that should be brought before an independent court or tribunal;

(c) Recommends that States review legislative and law enforcement practices that may lead to involuntary assimilation of minorities and use education and awareness-raising programmes to combat prejudices that may lead to racism, racial discrimination, xenophobia and related intolerance;

(d) Requests States to address hate speech, derogatory language and negative stereotypes effectively;

(e) Encourages States to engage with information technology companies, including social media providers, to establish and disseminate specific codes of conduct and measures against the dissemination of messages that incite racism, racial discrimination, xenophobia and related intolerance;

(f) **Encourages OHCHR to update the Working Group at its next session on its activities and findings regarding the impact of extremist political parties and movements on the rise of racism, racial discrimination, xenophobia, and related intolerance.**

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