

Draft outcome document to the Durban Review Conference, to be held in Geneva, Switzerland, 20-24 April 2009, based on agreed paragraphs during the Intersessional Working Groups in January and February 2009

- assess the progress made since 2001 in the combat against racism, racial discrimination, xenophobia and related intolerance, and request all States to hand in one page with progress on the national level since 2001;
1. Notes the continued existence of racism, racial discrimination, xenophobia and related intolerance, and inequality in all spheres of human life, and non compliance with specific obligations in the promotion and protection of equality at the national, regional and international levels and reaffirms the obligation of States to take action in this respect;
 2. Calls upon all States to provide OHCHR by the end of June 2009 with an overview of legal measures and policies introduced since 2001 in the combat against racism, racial discrimination, xenophobia and related intolerance, with the objective of compiling a comprehensive study of relevant national legislation and policies;
 3. Recognizes that a broad sharing of best practices in all regions of the world aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society to implement effectively the provisions of the DDPA when considered appropriate to adapt or replicate best practices, including international cooperation;
 4. Recommends that examples of best practices provided for by Governments, regional and international organizations and other stakeholders are placed on the OHCHR website linked to the Durban Review Conference outcomes section with a view to their adaptation and replication, and recommends that the best practices website be duly and timely updated by OHCHR;
 - point the way forward, i.e. calls for strengthened implementation of existing international legal obligations for combating racism at the national level;
 5. Calls upon States to strengthen the implementation of existing international legal obligations for combating racism at the national level;
 6. Reaffirms the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State;
 - insists on streamlining of DDPA follow-up mechanisms;
 7. Acknowledges the need to rationalize and enhance further the effectiveness of the UN mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance with a view to achieving better coordination, consistency and complementarity in their work and avoiding duplication of mandates;
 - reconfirms that freedom of expression is a cornerstone of our fight against racism;

8. Reconfirms that freedom of expression is a cornerstone of our fight against racism;
 - calls for better implementation worldwide of existing international legal standards to protect against those who incite violence or hatred;
9. Recognizes with deep concern the global rise in the number of incidents of intolerance and violence against members of religious minorities in various parts of the world motivated by different forms of religious intolerance, including Islamophobia, anti-Semitism and Christianophobia;
10. Reiterates that freedom of religion or belief, freedom of opinion and expression and non-discrimination are interdependent and stresses the need to strengthen the process of effectively adjudicating cases associated with incitement to national racial and religious hatred in accordance with the permissible limitations under article 20 of the ICCPR and analogous instruments;
11. Underlines that racial discrimination condoned by governmental and state agencies, policies and practices violates human rights and may endanger friendly relations between peoples, cooperation among nations, and international peace and security;
12. Deplores the numerous occurrences of internal conflicts and inter-ethnic and intra-religious or communal violence, including those that appear to be based on tribal lines, which have led to casualties and killings, torture, massive displacement, rape and destruction of property and infrastructures, war crimes, crimes against humanity and genocide;
 - condemns all forms of racism, racial discrimination, xenophobia and related intolerance at an equal level;
13. Acknowledges that there should be no hierarchy among potential victims of racism, racial discrimination, xenophobia and related intolerance and that all victims should receive the same attention, protection and treatment in order to ensure the full enjoyment of their human rights;
14. Emphasizes that victims' right to access to justice is of paramount importance to victims of racial discrimination in the light of their vulnerable situation, socially, culturally and economically;
 - condemns multiple forms of discrimination in all its forms, including on the basis of sexual orientation.
15. Reiterates that multiple forms of discrimination on any ground, including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation further affects the enjoyment of human rights and can lead to particular targeting or vulnerability, and welcomes measures to address multiple and aggravated forms of discrimination, particularly the efforts to adopt or improve penal or civil legislation in order to address these phenomena.