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

Argentina^{*}, Bolivia (Plurinational State of)^{*}, Brazil^{*}, Chile, Colombia^{*}, Cuba, Djibouti, Dominican Republic^{*}, Ecuador, Guatemala, Mexico, Paraguay^{*}, Peru, Spain, Turkey^{*}, Uruguay (on behalf of the Common Market of the South), Venezuela (Bolivarian Republic of)^{*}, Zimbabwe^{*}: draft resolution

18/... The incompatibility between democracy and racism

The Human Rights Council,

Guided by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,

Recalling the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also Human Rights Council decision 2/106 of 27 November 2006 and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of 23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,

Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Acknowledging that the United Nations Declaration on the Rights of Indigenous Peoples, in its second, third and fifth preambular paragraphs, recognizes, inter alia, that the diversity and richness of civilizations and cultures constitute the common heritage of humankind,

^{*} Non-Member State of the Human Rights Council.

Recognizing that individuals belonging to vulnerable groups, such as migrants, refugees, asylum-seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather unlawful acts or offences,

Recognizing the importance of freedom of speech and expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights, as established in the relevant international and regional human rights instruments, and may endanger friendly relations and cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

2. *Also reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

3. *Emphasizes* that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, 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;

4. *Also emphasizes* that the elimination of all forms of discrimination as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and the respect for ethnic, cultural and religious diversity contribute to strengthening and promoting democracy and political participation;

5. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance;

7. *Also urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies through promoting diversity, to improving democratic institutions, making them more fully participatory and inclusive and avoiding marginalization and exclusion of, and discrimination against, specific sectors of society;

8. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote solidarity, tolerance and respect by, inter alia, developing voluntary codes of conduct that include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

9. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators and that not doing so

violates, and impairs or nullifies the enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

10. *Also emphasizes* that human rights education and training is a key tool in countering the rise of extremist political parties, movements and groups, and that educational measures are crucial in promoting human rights and democratic values at an early age;

11. *Stresses* the need to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures;

12. *Encourages* States to consider developing public information, awareness-raising and education campaigns with a transdisciplinary approach with a view to combating discrimination and intolerance;

13. *Encourages* political leaders, civil society and the media to remain vigilant against the penetration of racist and xenophobic ideas in the political platforms of democratic parties;

14. *Stresses* the need to implement fully the International Convention on the Elimination of All Forms of Racial Discrimination as the principal convention in the fight against racism;

15. *Invites* the relevant mechanisms of the Human Rights Council and United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially with regard to their incompatibility with democracy;

16. *Welcomes* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 65/199¹ and its pertinent recommendations;

17. *Invites* the United Nations High Commissioner for Human Rights to report to the Human Rights Council at its twenty-first session on the implementation of the present resolution.

¹ A/HRC/18/44.