



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/125
17 March 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 6 (a)

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION: COMPREHENSIVE
IMPLEMENTATION OF AND FOLLOW-UP TO THE
DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Report of the independent eminent experts on the implementation
of the Durban Declaration and Programme of Action on their
second meeting**

Note by the secretariat

The secretariat has the honour to transmit to the members of the Commission on Human Rights the report of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action on their second meeting, held in Geneva from 21 to 23 February 2003.

Summary

At its second meeting, the group of independent eminent experts discussed how best to follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the United Nations High Commissioner for Human Rights. They also addressed the issue of the scope of their mandate.

The experts expressed concern regarding the limited number of responses received by the Office of the High Commissioner to its notes verbales requesting information from different actors on initiatives and activities undertaken to implement the Durban Declaration and Programme of Action. In particular, a low rate of response from States makes it difficult to identify relevant trends.

The experts reaffirmed that they considered the three mechanisms created to ensure the effective implementation of the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, namely the Intergovernmental Working Group, the Working Group of Experts on People of African Descent, and their own group, as being functionally linked. Therefore, more effort should be deployed to ensure coordination of methods of work and the substantive issues examined. In this connection, and in follow-up to the request of the General Assembly, the experts submit their programme of work (annex I).

The experts stressed the importance of education and awareness-raising as tools for combating discrimination. The experts confirmed their determination to mobilize the international community in support of education as a central tool for developing a culture of mutual respect and tolerance among societies and groups, as well as offering an important opportunity for victims of discrimination to overcome their disempowerment.

The experts underscored the importance of taking a practical approach in the implementation of the Durban Declaration and Programme of Action. Their own action will focus on mobilization of support of Governments and international and non-governmental organizations for the Durban Declaration and Programme of Action, as well as alerting the wider public about problems of racism, racial discrimination, xenophobia and related intolerance.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	4
I. IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION	5 - 8	5
II. ASSESSMENT AND EVALUATION OF EXISTING INTERNATIONAL STANDARDS AND INSTRUMENTS TO COMBAT RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE WITH A VIEW TO PREPARING COMPLEMENTARY STANDARDS	9 - 14	6
III. IMPLEMENTATION STRATEGIES: POSSIBLE MODALITIES OF ACTION	15 - 18	7
IV. CONSULTATION WITH DELEGATIONS	19 - 22	8
V. FOLLOW-UP ON THE WORK OF THE INDEPENDENT EMINENT EXPERTS AT THEIR FIRST MEETING	23 - 25	8
VI. CONCLUSIONS OF THE EXPERTS	26 - 41	9
VII. RECOMMENDATIONS OF THE EXPERTS	42 - 52	11

Annexes

I. Programme of work	13
II. Agenda	16
III. List of documents	17

Introduction

1. In resolution 56/266 the General Assembly requested the Secretary-General, in accordance with paragraph 191 (b) of the Durban Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

2. On 16 June 2003 the Secretary-General appointed the following five independent eminent experts: His Royal Highness Prince El Hassan bin Talal of Jordan; Mr. Martti Oiva Kalevi Ahtisaari, former President of Finland; Dr. Salim Ahmed Salim, former Prime Minister of the United Republic of Tanzania, former Secretary-General of the Organization of African Unity and former President of the United Nations General Assembly; Her Excellency Hanna Suchocka, former Prime Minister of Poland; and Dr. Edna Maria Santos Roland of Brazil, General Rapporteur of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3. Referring to the need to keep the mandate under constant review, the Commission on Human Rights, in resolution 2003/30 decided on the following readjustment of the terms of reference of the independent eminent experts (para. 21):

“(a) To follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the United Nations High Commissioner for Human Rights and assist the High Commissioner in preparing his annual progress report to the Commission and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission, international, regional and non-governmental organizations and national human rights institutions;

“(b) Bearing in mind the recommendations of the [Intergovernmental] Working Group, to assist the High Commissioner in the assessment and evaluation of the existing international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance with a view to preparing complementary standards.”

4. In resolution 59/177 the Assembly “[e]mphasize[d] the central role to be played by the group of eminent experts in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action” (para. 36) and “[r]equest[ed] in that context the Office of the United Nations High Commissioner for Human Rights to convene the second meeting of the group of independent eminent experts before the sixty-first session of the Commission on Human Rights to produce a concrete programme of action related to their mandate, based on the core values for racial equality

and dignity as elaborated in the outcome document of their first meeting, held from 16 to 18 September 2003” (para. 41). In follow-up to this request, the second meeting was held from 21 to 23 February 2005.¹ The experts adopted a programme of action that is attached as annex I; the agenda is at annex II. A list of documents is at annex III.

I. IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

5. The experts discussed the reports of the High Commissioner for Human Rights to the Commission on Human Rights, as well as those of the Secretary-General to the General Assembly and the modalities of their preparation. They expressed concern regarding the limited number of responses received by the Office of the High Commissioner to notes verbales requesting information on initiatives and activities undertaken to implement the Durban Declaration and Programme of Action. As the response rate had been low, it was difficult to identify relevant trends. Furthermore, responses were received mostly from countries of Latin America and Eastern and Western Europe, which made geographically balanced reporting difficult.

6. Another problem cited by the experts is the diverse nature of information received, which was an obstacle to systematically evaluating progress achieved since the World Conference in 2001. Therefore, the experts suggested that a questionnaire requesting specific information on areas addressed by the Durban Declaration and Programme of Action should be prepared by the secretariat to solicit targeted responses from member States.

7. Concerning the mandates of the bodies established in the aftermath of the World Conference, the experts reaffirmed that all those mechanisms were functionally linked. However, the experts noted some overlapping between the agendas and methods of work of the Intergovernmental Working Group and the Working Group of Experts on People of African Descent in the past. Indeed, both working groups had organized their work on a thematic basis and invited panellists to share views on selected themes through presentations, followed by discussions. While the Intergovernmental Working Group had thus far examined the themes of poverty, education, health and the Internet, the Working Group of Experts had considered the themes of administration of justice, the media, access to education, racism and employment, racism and health and racism and housing.

8. The experts advised that in deciding on future working methods, the two working groups should make full use of the distinctive nature of their respective mandates. The Intergovernmental Working Group could on the one hand maximize its utility as a forum for dialogue, analysis, studies, consultations, negotiations and cooperation between Governments and other stakeholders. The Working Group of Experts could, on the other hand, emphasize its work as a special procedure by focusing on the situation of a specific group, namely people of African descent. In this context, the experts welcomed the consideration by the Working Group of Experts, during its private meeting, held at its last session, of the possibility of undertaking country visits. The Experts agreed that such visits would facilitate in-depth understanding of the situation of people of African descent in various regions of the world.

¹ Prince El Hassan bin Talal and Mr. Ahtisaari were unable to attend the second meeting.

II. ASSESSMENT AND EVALUATION OF EXISTING INTERNATIONAL STANDARDS AND INSTRUMENTS TO COMBAT RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE WITH A VIEW TO PREPARING COMPLEMENTARY STANDARDS

9. In addressing their mandate in this area the experts heard the Vice-Chairperson of the Committee on the Elimination of Racial Discrimination (CERD), Raghavan Pillai. His presentation focused on the implementation and effectiveness of the International Convention on the Elimination of All Forms of Racial Discrimination. Mr. Pillai stressed that the Committee was encouraged by the active dialogue that it had developed with many States parties in relation to the measures undertaken at the national level to implement article 2 of the Convention (on racial discrimination). Some States parties, however, denied the existence of racial discrimination in their country and merely cited legislative provisions prohibiting discrimination without addressing the difficulties in implementing such provisions and achieving de facto equality.

10. Mr. Pillai referred to the fact that the Committee's ability to examine States parties' compliance with their obligations under articles 5 (prohibition of racial discrimination) and 6 (remedies) was sometimes frustrated by the failure of some States to provide information on the legislative, judicial, administrative or other measures undertaken to comply with the Convention or provide data, disaggregated by ethnicity and gender, on the enjoyment of the rights enumerated therein, or information on results of specific studies.

11. Mr. Pillai asserted that as of 31 July 2004, only 45 countries had made the declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals (art. 14). He urged more States parties to make the declaration in order to enable victims to avail themselves of this remedy and to allow the Committee to develop more comprehensive jurisprudence on the provisions of the Convention. States parties that had made the declaration under article 14 should disseminate information on the mechanism amongst the people in their territory and ensure that the procedural requirements were understood and followed in order to reduce the incidence of complaints being declared inadmissible, in particular for non-exhaustion of domestic remedies.

12. As of 31 July 2004, 169 States had ratified the Convention. Mr. Pillai encouraged the experts to urge States that had not yet done so to accede to the Convention as a matter of urgency, with a view to universal ratification by the end of 2005, as provided for by the Durban Declaration and Programme of Action.

13. Confirming the importance of mobilizing political support for the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the experts agreed that they could play a role by calling for the universal ratification of the Convention by the year 2005. In that context, the experts decided to send joint letters of appeal to the Governments of States that had not yet ratified the Convention to do so. The experts also requested the Office of the High Commissioner to identify factors that might have discouraged Governments from accepting the communication procedure established under article 14 of the Convention.

14. The experts stressed the importance of awareness-raising among the general public about the existence and content of the Convention and other relevant human rights instruments. An informed civil society could play an important role in promoting a culture of compliance, as well as influencing the decisions of Governments. The experts mentioned as an example the international support for the fight against apartheid, and remarked that such international support would be crucial for effectively following up on the Durban Declaration and Programme of Action. In that context, the experts highlighted the importance of education, the involvement of the media, as well as the participation of youth in the awareness-raising process.

III. IMPLEMENTATION STRATEGIES: POSSIBLE MODALITIES OF ACTION

15. Under this item, the experts held a consultation with the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Ambassador Martabit (Chile).

16. Referring to their observations at their first meeting, the experts stressed the importance of the complementarity of their contribution to the work of other United Nations organs and bodies, in particular the High Commissioner for Human Rights and those mechanisms that had been established in the follow-up to the World Conference. The experts confirmed that it would not be appropriate for them to examine specific issues in detail, make technical recommendations or monitor progress, as such work was being undertaken by the Intergovernmental Working Group and the Working Group of Experts. Rather, the experts agreed that they would be best placed to identify areas in which urgent attention was needed and mobilize support for following up on the implementation of the Durban Declaration and Programme of Action. Mobilization of support would include gathering political support for and promoting the Durban Declaration and Programme of Action among Governments and civil society, as well as drawing the attention of the wider public to problems of racism, racial discrimination, xenophobia and related intolerance. The experts exchanged views on how, for instance, they could encourage member States to prepare national plans of action to combat discrimination. They considered that, in light of their independence and stature, they were in a good position to influence public opinion and play an effective sensitization role in highlighting areas that had not yet been adequately addressed.

17. In order to examine the follow-up to the Durban Declaration and Programme of Action in a focused and structured manner, the experts suggested that they would select a theme for each year. The experts also stressed the importance of holding periodic consultations with the High Commissioner for Human Rights, as the Commission on Human Rights had mandated them to assist the High Commissioner in preparing her annual progress report to the Commission and to the General Assembly. The experts might also be able to suggest innovative elements to be included in her report. In addition, the experts indicated that they could, upon request, contribute to the elaboration of a plan of the Office of the High Commissioner in countering racism, racial discrimination, xenophobia and related intolerance.

18. The experts requested the United Nations or the Office of the High Commissioner to proactively use the presence of the experts to draw the world's attention to crucial issues related to racism and racial discrimination in the future.

IV. CONSULTATION WITH DELEGATIONS

19. The experts exchanged views with the regional coordinators for Africa, Central and Eastern Europe, Latin America and the Caribbean, and Western Europe and others on various issues, including how the experts could best contribute to an effective implementation of the Durban Declaration and Programme of Action. The regional coordinators expressed continued support for the work of the experts and encouraged them to use their stature to keep international attention focused on the fight against racism and discrimination.

20. Overall, the coordinators expressed a need for coordination among the Durban mechanisms. One coordinator suggested that the chairpersons of the mechanisms should maintain channels of communication open and exchange information on the discharge of their mandates during the intersessional period. He also recommended that the mechanisms consider the possibility of submitting an integrated report to the Commission on Human Rights, thereby avoiding any contradictions that could emerge in the discharge of the mandate of each of the three mechanisms. Another coordinator suggested that there should be coordination on the substance of their work and, in particular, that they should establish a medium-term plan to assist in the evaluation of progress achieved by the Durban mechanisms as a whole. One coordinator suggested that the experts could shape the response of the United Nations system as a whole on the issue of racism, racial discrimination, xenophobia and related intolerance.

21. Taking into consideration, inter alia, these practical suggestions, the experts agreed that coordination among the three mechanisms created by the Durban Declaration and Programme of Action was of the utmost importance. Efforts would be made to ensure that the chairpersons of the three groups regularly shared information on progress made by each mechanism, as well as on a coordinated programme of work.

22. In light of the constructive consultation held with the regional groups, the experts requested the Office of the High Commissioner, in preparing the agenda for the next meeting of the experts, to schedule consultations with delegations earlier in the meeting.

V. FOLLOW-UP ON THE WORK OF THE INDEPENDENT EMINENT EXPERTS AT THEIR FIRST MEETING

23. The experts underlined the importance of following up on the discussions at their first meeting, including on the proposal to develop a racial equality index. The experts considered that the methodology used for formulating the Human Development Index should provide insights into the development of a racial equality index. The experts further noted that political obstacles, such as opposition to the categorization of people into certain ethnic groups, might be one of the biggest challenges in the attempt to develop such an index.

24. The experts emphasized the importance of a continued focus on education. Taking into account that the issue had already been addressed by the Intergovernmental Working Group and the Working Group of Experts, the experts confirmed their determination to mobilize different levels of society in highlighting the importance of education in countering racism, racial discrimination, xenophobia and related intolerance in general and in removing the element of hatred in society in particular.

25. The experts also suggested that an easy-to-read, shorter version of the Durban Declaration and Programme of Action be prepared for wide distribution. The experts believe that an attractive, user-friendly version, translated and distributed for use at the national, regional and international levels, would better meet educational purposes and achieve a certain degree of popularity.

VI. CONCLUSIONS OF THE EXPERTS

26. The reports submitted by the Secretary-General and the High Commissioner for Human Rights to the General Assembly and the Commission on Human Rights demonstrate that the implementation of the Durban Declaration and Programme of Action takes a variety of forms worldwide. The tangible impact of the implementation of the Durban Declaration and Programme of Action can be felt in the lives of people through actions by Governments and civil society.

27. The international community is, however, far from reaching a real breakthrough in countering the scourges of our times - racism, racial discrimination, xenophobia and related intolerance. There is no doubt that these phenomena constitute the root causes of many contemporary conflicts, which sometimes escalate into gross human rights violations committed on a large scale and leading to ethnic cleansing and even genocide.

28. The experts consider that their contribution to the effective follow-up of the Durban Declaration and Programme of Action should serve to support the implementation of the Durban anti-discrimination agenda through a practical approach. It is within this context that they stress the need for States and the international community to address, at an early stage, situations of racial discrimination and xenophobia.

29. The international community cannot abdicate from its responsibility for a swift and effective reaction to crisis situations, in addition to the prevention of discrimination and assistance to those who suffer from its effects, because such action in some instances can result in avoiding crisis.

30. Consistent with the views expressed at their last meeting, the experts consider that awareness-raising and access to education are crucial in the struggle against discrimination. Education constitutes an essential tool in the implementation of the Durban Declaration and Programme of Action by promoting respect and better understanding between communities, tolerance and multiculturalism, as well as helping victims of discrimination to overcome their disempowerment. In this context, the experts welcome cooperation between the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding racial discrimination and the World Programme for Human Rights Education proclaimed by the General Assembly.

31. The experts welcome the significant contributions made by the Intergovernmental Working Group and the Working Group of Experts in identifying and diagnosing current manifestations of racism, racial discrimination, xenophobia and related intolerance.

32. The recommendations of the two working groups, which are based on thorough analysis of thematic issues of essential relevance, provide an important blueprint for the steps to be undertaken at the national and international levels with a view to effectively implementing the Durban Declaration and Programme of Action.

33. Taking into consideration that the effectiveness of actions requires that they be streamlined and well coordinated, the experts welcome the recent attempts by the working groups at complementarity and to avoid duplication. In this context, the experts note the efforts by the Working Group of Experts to reconceptualize its mandate towards an approach that is more consistent with the thematic special procedures of the United Nations human rights machinery.

34. Notwithstanding these efforts, the experts note that five mechanisms have been established to deal with issues of racism, racial discrimination, xenophobia and related intolerance: the Committee on the Elimination of Racial Discrimination; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the two aforementioned working groups and the group of independent eminent experts. Given that their mandates are connected, better coordination and closer functional links are needed.

35. Taking into account consultations held with the Chairperson of the Intergovernmental Working Group and one of the Vice-Chairpersons of CERD, the experts note that notwithstanding possible needs in the area of complementary standards, the international community can benefit from the existing normative framework, including treaty norms and commitments resulting from international human rights “soft law”. On this basis, the experts wish to emphasize the importance of adhering to a “culture of compliance”, to help bridge the gaps between the international normative framework and implementation of the same in the practice of States.

36. A “culture of compliance” is the antithesis of a “culture of non-responsiveness”. The experts note with concern the low number of responses and reports on the implementation of the Durban Declaration and Programme of Action. This situation aggravates the hindrances already connected with the evaluation of progress in the implementation of the Durban Programme of Action, but also limits the possibility of promoting good practices and exchange of experience. This is in contrast to the importance and urgency attached to the issues raised in the Durban Declaration and Programme of Action.

37. A “culture of compliance” is also the antithesis of a “culture of impunity”. Effectively countering racism, racial discrimination, xenophobia and related intolerance also requires accountability for discriminatory acts, including the propagation of ideas intended to fuel sentiments of hatred towards other groups.

38. The experts emphasize that the elimination of racism, racial discrimination, xenophobia and related intolerance is always beneficial to the society concerned, enriching its culture and potential in different spheres of life, strengthening the stability of the society and the security of the human person.

39. The experts acknowledge the importance of the international and national legal framework in combating racism, racial discrimination, xenophobia and related intolerance. Hence, Governments concerned are reminded that only 10 months are left to reach the agreed goal under the Durban Declaration and Programme of Action, namely, achieving universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by end of the year 2005.

40. The experts welcome the positive contributions made by the new information and communication technologies, especially the Internet, in combating racism, racial discrimination, xenophobia and related intolerance. However, they recognize that the same technologies can also be used as vehicles to propagate ideas of racism and discrimination. They also note that the information divide may aggravate and multiply the consequences of racial discrimination.

41. The experts welcome the efforts made by the High Commissioner for Human Rights in developing a strategic approach to the implementation of the Durban Declaration and Programme of Action and her efforts to facilitate communication and coordination between the bodies established in the follow-up to the World Conference.

VII. RECOMMENDATIONS OF THE EXPERTS

42. **The experts urge all stakeholders to ensure follow-up to the recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and of the Working Group of Experts on People of African Descent.**

43. **The experts call on all stakeholders to make further efforts in awareness-raising and access to education, which are central to the struggle against discrimination, and take into account recommendations concerning education adopted by the two working groups.**

44. **Education not only constitutes an essential tool to promote mutual respect and tolerance between individuals and communities, but also offers an important opportunity for victims of discrimination to overcome their disempowerment. Therefore, the experts call on the Office of the High Commissioner and UNESCO to continue their cooperation and develop practical approaches to raising public awareness and using education to empower victims of racial discrimination and xenophobia.**

45. **In the context of their consultations with the Chairperson of the Intergovernmental Working Group on the role of education, the experts recommend the joint organization at the earliest possible date of a round table focusing on practical applications of education in countering racism and xenophobia.**

46. **The experts recommend that the relationship between racism, racial discrimination, xenophobia and related intolerance and the new information technologies be given due attention at the upcoming second phase of the World Summit on the Information Society in Tunis in November 2005.**

47. **The experts appeal to the Commission on Human Rights and to the General Assembly to adopt a plan for the five-year review of the implementation of the Durban Declaration and Programme of Action.**
48. **The experts call on member States to allocate adequate resources within their national budgets to counter racism, racial discrimination, xenophobia and related intolerance. The experts also call on the Secretary-General and donors to provide appropriate resources for the United Nations action in the implementation of the Durban Declaration and Programme of Action.**
49. **The experts call on member States to take into account the content of the Durban Declaration and Programme of Action during the review of progress achieved at the Millennium Declaration +5 Summit scheduled for 2005.**
50. **The experts welcome and support the Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance adopted at the thirty-second session of the UNESCO General Conference, which has generated the establishment of the International Coalition of Cities against Racism.**
51. **The experts urge States that have not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination before the end of 2005.**
52. **Recalling the recommendation adopted at their last meeting, the experts reiterate the need for a racial equality index aimed at measuring existing racial inequalities. In this regard, they call on all parties concerned to cooperate towards the realization of this objective and encourage the High Commissioner for Human Rights to pursue her efforts in addressing this issue.**

Annex I

PROGRAMME OF WORK

1. Overall function

The group of independent eminent experts is the United Nations mechanism established in accordance with paragraph 191 (b) of the Durban Programme of Action, which requests “the United Nations High Commissioner for Human Rights, in follow-up to the Conference, to cooperate with five independent eminent experts, one from each region, appointed by the Secretary-General ... to follow the implementation of the provisions of the Declaration and Programme of Action”.

The group of independent eminent experts recognizes its role in marshalling efforts to eliminate the most despicable evils of our times - racism, racial discrimination, xenophobia and related intolerance. The independent eminent experts consider their work as complementary to that of the two other mechanisms established in the aftermath of the World Conference, namely the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent. While these mechanisms have specific, operationally determined mandates, the focus of the group of independent eminent experts is to mobilize the international community in combating racism, racial discrimination, xenophobia and related intolerance.

The group of independent eminent experts is convinced that its work should follow a humanitarian vision of an “ethic of human solidarity”, based on the central values of human dignity, respect for diversity and the importance of effective measures for the protection of people. Its future work will take into account existing vulnerabilities of groups, communities and other stakeholders. The group will also promote a “culture of compliance” to help bridge the gaps between international legislation, resolutions and decisions and their implementation in the practice of States and societies.

2. Objectives

In accordance with the Durban Declaration and Programme of Action and subsequent resolutions of the General Assembly and the Commission on Human Rights, the group of independent eminent experts will follow the implementation of this agenda through:

(a) Advising the High Commissioner on the assessment of the implementation of and follow-up to the Durban Declaration and Programme of Action presented in the reports to the General Assembly and the Commission on Human Rights, including the identification of areas requiring special attention;

(b) Advising the High Commissioner on: strengthening a conducive environment for countering racism, racial discrimination, xenophobia and related intolerance; developing tools that can serve to bring victims of discrimination out from their disempowered position; preventing gross and acute manifestations of discrimination and xenophobia; countering

impunity of those responsible for violations of human rights based on racism and xenophobia; and examining needs regarding possible complementary legal standards to effectively combat racism, racial discrimination, xenophobia and related intolerance;

(c) Mobilizing political support for the struggle against racism, racial discrimination, xenophobia and related intolerance;

(d) Alerting public opinion to manifestations of racism, racial discrimination, xenophobia and related intolerance and mobilizing it to counter these evils;

(e) Promoting global partnership to counter racism, racial discrimination, xenophobia and related intolerance.

3. Modalities of action

The modalities of action developed by the group include the following:

(a) Ongoing cooperation with the High Commissioner;

(b) Periodic consultations with high-level representatives of Governments and civil society;

(c) Periodic consultations with representatives of the United Nations human rights organs and bodies, in particular those established in the area of combating racism, racial discrimination, xenophobia and related intolerance;

(d) Recommendations to the relevant United Nations organs and bodies, including the Secretary-General, the High Commissioner for Human Rights, and the Commission on Human Rights;

(e) Calling on Governments and civil society to build effective partnerships to counter discrimination;

(f) Mobilization of international public opinion with respect to specific acts or trends of racism, racial discrimination, xenophobia and related intolerance;

(g) Participation, as appropriate, in relevant discussions aimed at furthering the Durban agenda.

4. Communication

The group will communicate through the following means:

(a) Periodic meetings (not less than once a year);

(b) Ad hoc meetings concerned with specific subjects requiring joint deliberation;

(c) Electronic media.

5. Focus for 2005

In 2005, the independent eminent experts will focus on the following issues:

- (a) Assessment of the implementation of the Durban Declaration and Programme of Action in reports presented to the General Assembly and the sixty-second session of the Commission on Human Rights;
- (b) Assistance in the conceptualization of a “Durban+5” review in 2006 and support to regional reviews;
- (c) Evaluation of progress achieved so far in the use of education as a tool to combat discrimination and promote equality, and consideration of further steps to that effect;
- (d) Advice on the approach to the debate on complementary standards to counter racism, racial discrimination, xenophobia and related intolerance;
- (e) Reactions to gross manifestation of racism, racial discrimination, xenophobia and related intolerance;
- (f) Identification of and recommendations on programmes aimed at assisting victims of discrimination to overcome their disempowered status.

Annex II

AGENDA

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Implementation of the Durban Declaration and Programme of Action.
5. Assessment and evaluation of existing international standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance with a view to preparing complementary standards.
6. Discussion on implementation strategies: possible modalities of action.
7. Consultation with delegations.
8. Follow-up on the work of the group of independent eminent experts at its first meeting.
9. Recommendations for future work and other matters.
10. Adoption of the report.
11. Closing of the session.

Annex III

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title</u>
E/CN.4/2005/WG.24/CRP.1	Note by the secretariat on reporting obligations of the Office of the High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action
E/CN.4/2005/WG.24/CRP.2	Note by the secretariat on the discharge of the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent
E/CN.4/2005/WG.24/CRP.3	[Document not circulated.]
E/CN.4/2005/WG.24/CRP.4	Note by the secretariat on complementary standards to combat racism, racial discrimination, xenophobia and related intolerance
E/CN.4/2005/WG.24/CRP.5	Note by the secretariat on possible modalities of action by the independent eminent experts
