



MUNQSMUN '17

“Rise** above the **Rest”

**United Nations Human Rights Council
Background Guide**

**“Elimination of racism,
racial discrimination,
xenophobia and related
intolerance in accordance
with the Durban
Declaration and
Programme of Action.”**

LETTER FROM THE EXECUTIVE BOARD

Respected delegates of the Human Rights Council,

It gives us immense pleasure to welcome you all to this edition of the MUNQS MUN a place where young minds interact and think of the small little ways to change the world.

The guide has been prepared to give you an idea of the functioning of the council as well as the very pertinent agendas that the council shall deal with. But, this guide is merely a facilitator to help you kick start your research and you, as delegates must feel free to go beyond the scope of the guide. The purpose of this guide is only to provide you initial assistance to initiate your research.

Diplomacy is the first lesson that MUNs offer and thus, you as delegates are expected to be extremely courteous towards your fellow delegates as well as teachers and members of the Executive Board. As delegates you are expected to promote the interests of your nation but at the same point respect the differences of opinion to achieve a solution in accord and harmony.

Logic and foreign policy combined with in-depth research and knowledge are necessary to be a successful delegate. We wish that you will not be intimidated by your competitors. It's great to win an award but its better if you don't win but take back lessons with you which help you for a lifetime. For this one conference, let us all make winning incidental but learning purposeful. Let's dedicate the three days of this conference to develop passion for this activity.

We now leave you with our best wishes and I hope that at the end of this three day venture we will all emerge a little wiser. Please feel free to contact us, we will be more than happy to solve your queries.

Regards,

Chairperson – Arjun Singh

Vice Chairperson – Aman Kotecha

Rapporteur – Vaibhav Bhatt

NATURE OF REPORTS AND EVIDENCES IN COUNCIL

Evidence or proofs from the following sources will be accepted as credible in the committee:

1. News Sources

a. **REUTERS** – Any Reuters' article which clearly makes mention of the fact stated or is in contradiction of the fact being stated by another delegate in council can be used to substantiate arguments in the committee.

(<http://www.reuters.com>)

However, Reuters reports claiming to quote any individual affiliated in any manner to any government may not necessarily reflect the views of that government in totality. Thus, Reuters report can be denied by any member state subject to their policy and it is only when the report is accepted by the government that it shall be admitted as persuasive proof.

b) **State operated News Agencies** – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other country in the council.

Some examples are : (i) RIA Novosti (Russia) <http://en.rian.ru/>

(ii) IRNA (Iran) <http://www.irna.ir/ENIndex.htm>

(iii) Xinhua News Agency and CCTV (P.R. China) <http://cctvnews.cntv.cn/>

2. Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information.

Some examples are,

a. Government Websites like the State Department of the United States of America
<http://www.state.gov/>

the Ministry of Defence of the Russian Federation (<http://www.eng.mil.ru/en/index.htm>)

b. Ministry of Foreign Affairs of various nations like India (<http://www.mea.gov.in/>) or People's Republic of China (<http://www.fmprc.gov.cn/eng/>)

c. Permanent Representatives to the United Nations Reports <http://www.un.org/en/members/>

(Click on any country to get the website of the Office of its Permanent Representative.)

d. Multilateral Organizations like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>) OPEC (http://www.opec.org/opec_web/en/)

3. UN Reports: All UN Reports are considered as credible information or evidence for the Executive Board.

a) UN Bodies like the UNSC (<http://www.un.org/Docs/sc/>) or UNGA (<http://www.un.org/en/ga/>)

b) UN Affiliated bodies like the International Atomic Energy Agency (<http://www.iaea.org/>) World Bank (<http://www.worldbank.org/>) International Monetary Fund (<http://www.imf.org/external/index.htm>) International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>)

c) Treaty Based Bodies like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>) , the International Criminal Court (<http://www.icccpi.int/Menus/ICC>)

Please note that under no circumstances will sources like Wikipedia (<http://www.wikipedia.org/>) Amnesty International (<http://www.amnesty.org/>) or newspapers like The Guardian (<http://www.guardian.co.uk/>) Times of India (<http://timesofindia.indiatimes.com/>) Be accepted in the Council.

Duly note each document's source before its presentation in council. Please carry the required reports in soft copy (saved directly from the source and unedited). Also, the background guide cannot be used as proof in the council.

SUGGESTED PATTERN FOR RESEARCHING

Researching and understanding the United Nations and the Committee/Council being simulated –Its Mandate, including understanding historical work done on the agenda. research on the allotted country. Understanding its polity, economy, military, culture, history, bilateral relations with other countries, ideological position on various other relevant issues related to the agenda etc.

Comprehending the Foreign Policy of the allotted country. It includes understanding the ideology and principles adopted by the country on the agenda. It further includes studying past actions taken by the country on the agenda and other related issues – specifically analysing their causes and consequences. Reading the background guide thoroughly.

Researching further upon the agenda **using the links** given in the guide and from other sources such as academic papers, institutional reports, national reports, news articles, blogs etc. Understanding policies adopted by different blocs of countries (example: NATO, EU etc.) and major countries involved in the agenda. Including their position, ideology and adopted past actions.

Characterizing the agenda into sub-topics and preparing speeches and statements on them. It is the same as preparing topics for the moderated caucuses and their content. Preparing a list of possible solutions and actions the UNSC can adopt on the issue as per your country's policies.

Assemble proof/evidence for any important piece of information/allegation you are going to use in committee and keeping your research updated using various news sources.

Rough Guide to be A Good Delegate

Style is the manner in which you communicate your arguments. This is the most basic part of debating to master. Content and strategy are worth little unless you deliver your material in a confident and persuasive way.

Content is what you actually say in the debate, the arguments used to develop your own side's case and rebut the opposite side's. This is the bread and butter of debating, the concepts are simple, but often a lot of practice is needed before speakers master the skills of defining the motion, developing a case and rebutting the opposition.

Whatever the motion is, the first speaker in the debate must define it. This means explaining what the debate will be about. Sometimes the motion given is very clear (eg "This House Believes That We Should Bomb Iraq") and sometimes it is very vague (eg "This House Would Use the Force"). In the former case it is necessary only to clarify the terms of the motion, in the example above it would be necessary to explain what exactly was meant by the terms "we" and "bomb", whereas in the latter case the actual issue itself must be decided and explained and a reasonable link must be made with the motion as given. Examples of possible definitions for the two motions above are given below:

- **"This House Believes We Should Bomb Iraq...** ...this means that the UK and the US alone should start a program of air strikes against Iraqi military targets right now." ...this means that if UN diplomacy breaks down the UN as a whole should sanction a program of air strikes against Iraqi military targets." ...this means that the UK should drop a nuclear bomb on Baghdad as soon as possible." and so on.
- **"This House Would use the Force ...** ...the force in question here is the force of the law and we would use it to make voting in General Elections in the UK compulsory." ...the force in question here is the police force and we would use it to adopt a policy of zero tolerance on petty crime (as in New York) throughout the UK." ...the force in question is the force of nature and we believe we should harness this by investing more in renewable energy sources." and so on.

As you can see, even a quite specific motion can still apply to a wide range of possible cases, and a vague one can apply to almost anything at all. The two most important things are that the resulting debate is fair and two-sided and that the subject you have chosen links satisfactorily with the motion. Unlike in schools debating the definition you have given cannot be challenged by any other speakers unless it is unfair.

Try making arguments that support your case. Arguments are characterized by having two parts – a premise (or fact) and the justification (creative analysis). We value wisdom more than knowledge because wisdom is a result of refining our character.

About the Committee

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

The Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms.

Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

INTRODUCTION

LINK: <http://www.un.org/WCAR/durban.pdf>

In 1997, the General Assembly decided in resolution 52/111 to hold the **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**. It was held in 2001 in Durban, South Africa and it was a landmark event in the struggle to improve the lives of millions of human beings around the world who are victims of racial discrimination and intolerance. The Conference adopted by consensus the Durban Declaration of Programme of Action (DDPA), which provided an important new framework to combat racism, racial discrimination, xenophobia and related intolerance. It encompasses measures such as securing development, fighting poverty, strengthening education and improving respect and awareness for human rights.

In 2006, a decision to convene a **Durban Review Conference** was made by the UN Member States to follow-up the progress in fighting racial discrimination and intolerance. The goal of the review, held in 2009 was:

- To review progress and assess implementation of the DDPA by all stakeholders at the national, regional and international levels, including assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process, and identification of concrete measures and initiatives for combating and eliminating all manifestations of these phenomena
- To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant UN mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance in order to enhance them
- To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination
- To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

Resolution 52/111 - <http://www.un.org/ga/documents/gares52/res52111.htm>

International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention. A third-generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races.

Link : <http://www.worldlii.org/int/other/UNGA/1998/241.pdf>

Intergovernmental Working Group on the Effective Implementation of the Durban Declaration

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action is one of the three mechanisms established to follow up the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Intergovernmental Working Group was established by the Commission on Human Rights resolution 2002/68 and approved by the Economic and Social Council in its decision 2002/270 in 2002.

Mandate

- Make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action

- Prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

Link: <http://www.ohchr.org/EN/Issues/Racism/IntergovWG/Pages/IWGIndex.aspx>

http://ap.ohchr.org/documents/dpage_e.aspx?s=99

Xenophobia

Xenophobia is the fear and distrust of that which is perceived to be foreign or strange. Xenophobia can manifest itself in many ways involving the relations and perceptions of an ingroup towards an outgroup, including a fear of losing identity, suspicion of its activities, aggression, and desire to eliminate its presence to secure a presumed purity. Xenophobia can also be exhibited in the form of an "uncritical exaltation of another culture" in which a culture is ascribed "an unreal, stereotyped and exotic quality".

The terms xenophobia and racism are sometimes confused and used interchangeably because people who share a national origin may also belong to the same race. Due to this, xenophobia is usually distinguished by opposition to foreign culture. Xenophobia is a political term and not a recognized medical phobia.

Xenophobia in South Africa

Attacks against Mozambican and Congolese immigrants

Between 1984 and the end of hostilities in that country an estimated 50,000 to 350,000 Mozambicans fled to South Africa. While never granted refugee status they were technically allowed to settle in the bantustans or black homelands created by the apartheid government. The reality was more varied, with the homeland of Lebowa banning Mozambican settlers outright while Gazankulu welcomed the refugees with support in the form of land and equipment. Those in Gazankulu, however, found themselves confined to the homeland and liable for deportation should they enter South Africa proper, and evidence exists that their hosts denied them access to economic resource.

Unrest and civil war likewise saw large numbers of Congolese immigrate to South Africa, many illegally, in 1993 and 1997. Subsequent studies found indications of

xenophobic attitudes towards these refugees, typified by their being denied access to the primary healthcare to which they were technically entitled.

Violence before May 2008

According to a 1998 Human Rights Watch report, immigrants from Malawi, Zimbabwe and Mozambique living in the Alexandra township were "physically assaulted over a period of several weeks in January 1995, as armed gangs identified suspected undocumented migrants and marched them to the police station in an attempt to 'clean' the township of foreigners." The campaign, known as "Buyelekhaya" (go back home), blamed foreigners for crime, unemployment and sexual attacks.

In September 1998 a Mozambican and two Senegalese were thrown out of a train. The assault was carried out by a group returning from a rally that blamed foreigners for unemployment, crime and spreading AIDS.

In 2000 seven foreigners were killed on the Cape Flats over a five-week period in what police described as xenophobic murders possibly motivated by the fear that outsiders would claim property belonging to locals.

In October 2001 residents of the Zandspruit informal settlement gave Zimbabweans 10 days to leave the area. When the foreigners failed to leave voluntarily they were forcefully evicted and their shacks were burned down and looted. Community members said they were angry that Zimbabweans were employed while locals remained jobless and blamed the foreigners for a number of crimes. No injuries were reported among the Zimbabweans.

In the last week of 2005 and first week of 2006 at least four people, including two Zimbabweans, died in the Olievenhoutbosch settlement after foreigners were blamed for the death of a local man. Shacks belonging to foreigners were set alight and locals demanded that police remove all immigrants from the area.

In August 2006 Somali refugees appealed for protection after 21 Somali traders were killed in July of that year and 26 more in August. The immigrants believed the murders to be motivated by xenophobia, although police rejected the assertion of a concerted campaign to drive Somali traders out of townships in the Western Cape.

Attacks on foreign nationals increased markedly in late 2007 and it is believed that there were at least a dozen attacks between January and May 2008. The most severe incidents occurred on 8 January 2008 when two Somali shop owners were murdered in the Eastern Cape towns of Jeffreys Bay and East London and in March 2008 when seven people were killed including Zimbabweans, Pakistanis and a Somali after their shops and shacks were set alight in Atteridgeville near Pretoria.

May 2008 riots

Causes

A report by the Human Sciences Research Council identified four broad causes for the violence:

- relative deprivation, specifically intense competition for jobs, commodities and housing;
- group processes, including psychological categorisation processes that are nationalistic rather than superordinate
- South African exceptionalism, or a feeling of superiority in relation to other Africans; and
- exclusive citizenship, or a form of nationalism that excludes others.

A subsequent report, "Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa" commissioned by the International Organisation for Migration found that poor service delivery or an influx of foreigners may have played a contributing role, but blamed township politics for the attacks. It also found that community leadership was potentially lucrative for unemployed people, and that such leaders organised the attacks. Local leadership could be illegitimate and often violent when emerging from either a political vacuum or fierce competition, the report said, and such leaders enhanced their authority by reinforcing resentment towards foreigners.

Aftermath

1400 suspects were arrested in connection with the violence. Nine months after the attacks 128 individuals had been convicted and 30 found not guilty in 105 concluded court cases. 208 cases had been withdrawn and 156 were still being heard.

One year after the attacks prosecutors said that 137 people had been convicted, 182 cases had been withdrawn because witnesses or complainants had left the country, 51 cases were underway or ready for trial and 82 had been referred for further investigation.

In May 2009, one year after the attacks the Consortium for Refugees and Migrants in South Africa (Cormsa) said that foreigners remained under threat of violence and that little had been done to address the causes of the attacks. The organisation complained of a lack of accountability for those responsible for public violence, insufficient investigations into the instigators and the lack of a public government inquiry

Refugee camps and reintegration question

After being housed in temporary places of safety (including police stations and community halls) for three weeks, those who fled the violence were moved into specially established temporary camps. Conditions in some camps were condemned on the grounds of location and infrastructure, highlighting their temporary nature.

The South African government initially adopted a policy of quickly reintegrating refugees into the communities they originally fled and subsequently set a deadline in July 2008, by which time refugees would be expected to return to their communities or countries of origin. After an apparent policy shift the government vowed that there would be no forced reintegration of refugees and that the victims would not be deported, even if they were found to be illegal immigrants.

In May 2009, one year after the attacks, the City of Cape Town said it would apply for an eviction order to force 461 remaining refugees to leave two refugee camps in that city.

Domestic political reaction

On 21 May, then-President Thabo Mbeki approved a request from the SAPS for deployment of armed forces against the attacks in Gauteng. It is the first time that the South African government has ordered troops out to the streets in order to quell unrest since the end of apartheid in 1994.

Several political parties blamed each other, and sometimes other influences, for the attacks. The Gauteng provincial branch of the ANC has alleged that the violence is politically motivated by a "third hand" that is primarily targeting the ANC for the 2009 general elections. Both the Minister of Intelligence, Ronnie Kasrils, and the director general of the National Intelligence Agency, Manala Manzini, backed the Gauteng ANC's allegations that the anti-immigrant violence is politically motivated and targeted at the ANC. Referring to published allegations by one rioter that he was being paid to commit violent acts against immigrants, Manzini said that the violence was being stoked primarily within hostel facilities by a third party with financial incentives.

Helen Zille, leader of the official opposition party the Democratic Alliance (DA), pointed to instances of crowds of rioters singing "*Umshini wami*", a song associated then-president of the ANC Jacob Zuma and noted that the rioters also hailed from the rank and file of the ANC Youth League. She alleged that Zuma had promised years before to his supporters to take measures against the immigration of foreign nationals to South Africa and that Zuma's most recent condemnation of the riots and distancing from the anti-immigration platform was not enough of a serious initiative against the participation of fellow party members in the violence. Both Zille and the parliamentary leader of the DA, Sandra Botha, slammed the ANC for shifting the blame concerning the violence to a "third hand", which is often taken in South African post-apartheid political discourse as a reference to pro-apartheid or allegedly pro-apartheid organisations.

Zuma, in turn, condemned both the attacks and the Mbeki government's response to the attacks; Zuma also lamented the usage of his trademark song *Umshini wami* by the rioters. Secretary-General Gwede Mantashe called for the creation of local committees to combat violence against foreigners.

Zille was also criticised by Finance Minister Trevor Manuel for being quoted in the Cape Argus as saying that foreigners were responsible for a bulk of the drug trade in South Africa.

In KwaZulu-Natal province, Bheki Cele, provincial community safety minister, blamed the Inkatha Freedom Party, a nationalist Zulu political party, for stoking and capitalising on the violence in Durban. Both Cele and premier S'bu Ndebele claimed that IFP members had attacked a tavern that catered to Nigerian immigrants en route to a party meeting. The IFP, which is based primarily in the predominantly ethnically-Zulu KwaZulu-Natal province, rejected the statements, and had, on 20 May, engaged in an anti-xenophobia meeting with the ANC.

Radical grassroots movements and organisations came out strongly against the 2008 xenophobic attacks calling them pogroms promoted by government and political parties. Some have claimed that local politicians and police have sanctioned the attacks. At the time they also called for the closure of the Lindela Repatriation Centre which is seen as an example of the negative way the South African government treats African foreigners. Grassroots groups like Abahlali baseMjondolo and the South African Unemployed Peoples' Movement also opposed the latest round of xenophobic attacks in 2015.

International reaction

The attacks were condemned by a wide variety of organisations and government leaders throughout Africa and the rest of the world.

The Office of the United Nations High Commissioner for Refugees expressed concerns about the violence and urged the South African government to cease deportation of Zimbabwean nationals and also to allow the refugees and asylum seekers to regularise their stay in the country.

Malawi began repatriation of some of its nationals in South Africa. The Mozambican government sponsored a repatriation drive that saw the registration of at least 3 275 individuals

Note: Do read about the current situation as well as the riots in 2016 and Anti-immigration protests in 2017.

Durban – at a Glance

The Declaration

The Declaration canvassed relevant United Nations decisions and trends at the time, and noted that despite decades of effort the scourge of racism continued to influence events in many parts of the world. It addressed:

- the sources, causes, forms and contemporary manifestations of racism;
- the victims of racism;
- measures of prevention, education and protection aimed at the eradication of racism;
- the provision of effective remedies, recourse, redress, and compensatory and other measures at the national, regional and international levels; and
- strategies to achieve full and effective equality, including international cooperation and the enhancement of the United Nations and other international mechanisms in combating racism

The Declaration recognised the urgent need to translate the stated objectives into a practical and workable programme of action.

The Programme of Action

The Programme of Action follows the headings of the Declaration. It contains a total of 219 recommendations, directed at states, non-government organisations, the private sector and international organisations. .

Victims of racism

The Programme identifies the following groups as particular targets of racism:

- Africans and people of African descent
- Indigenous peoples
- Migrants
- Refugees
- Others, including victims of trafficking, Roma/Gypsies/Sinti/Travellers, people of Asian descent, national, ethnic, religious and linguistic minorities, women and girls, children, people with disabilities and people suffering from HIV/Aids.

In the New Zealand context the following groups (within which other categories are included) are of particular relevance:

- Māori, as the indigenous people
- Migrants, including the major Pacific and Asian migrant communities, temporary workers and international students
- Refugees

- Other ethnic, religious and linguistic minorities

Indigenous peoples

The Programme calls for appropriate measures to protect human rights, promote understanding of indigenous culture and heritage, encourage economic development, provide access to training, protect women and girls, review laws to identify and eradicate racism, honour treaties, support indigenous institutions, take actions to combat racism, promote understanding, undertake consultation and address the challenges of urbanisation.

Migrants

The Programme calls for measures to combat hostility to migrants, monitor and protect human rights, educate the public on the contribution of migrants, facilitate family reunification, review barriers to employment and deal with discrimination in the workplace, promote harmony and tolerance, review immigration laws to ensure compliance with human rights, promote cultural diversity and integration, observe the rights of migrants in places of detention, ensure proper treatment of migrants by police and immigration officers, recognise overseas qualifications, protect women and children from domestic violence, focus on the violation of the rights of women migrants, recognise equal economic opportunities and responsibilities and provide adequate social services including health, education and housing.

Refugees

The Programme calls for measures to ensure compliance with international obligations, address discrimination and protect the human rights of refugees, and protect refugee women and girls from violence.

Other ethnic, religious and linguistic minorities

The Programme calls for measures relating to a very wide range of groups and circumstances. Apart from actions specifically relating to Roma, Gypsies, Sinta and Travellers, the Programme calls for measures to ensure that all persons have the relevant identity documents, protect victims of trafficking, protect the human rights of ethnic, religious and linguistic minorities, ensure social inclusion and equal treatment of minority groups including in employment, housing, health care and education, focus on the rights of women from minority groups and their participation in decision making, undertake gender analysis of economic and social policies, empower women and girls, deal with sexual violence as a weapon of war and other crimes against humanity, protect children from racial discrimination, provide for registration of all children at birth, provide equal rights to nationality for men and women, and protect the human rights of people with disabilities.

Measures of prevention, education and protection

The Programme calls on states to adopt programmes that encourage citizens and institutions to take a stand against racism including partnerships between government and civil society, mainstream a gender perspectives in designing policies and programmes, adopt national programmes to eradicate poverty and reduce social

exclusion, ensure the political and legal system reflect multicultural diversity, address racism against women and girls, encourage the tourism industry and internet providers to develop codes of conduct to prevent trafficking and to protect victims of trafficking, strengthen measures to prevent trafficking of women and girls and provide for their healing and rehabilitation, and address issues of international displacement.

Legislative, judicial, regulatory, administrative and other measures

This section calls for national policies and plans of action to combat racism, and suggests actions to address issues of exploitation of migrant workers, racism and racial discrimination in public life, trafficking in persons, inequality of individuals and groups, misconduct by police and other law enforcement personnel, racial profiling by police, the use of genetic research to promote racism, lack of diversity in the police force, and means of reducing racial violence.

Ratification and effective implementation of international instruments

The Programme of Action lists 13 international instruments which it urges states to ratify or accede to, if they have not already done so, and calls on states to give due consideration to the observations and recommendations of the Committee on the Elimination of Racial Discrimination.

Prosecution of perpetrators of racist acts

The Programme calls on States to combat criminal acts motivated by racism and to treat such motivations as an aggravating factor in sentencing, to promote measures to deter the emergence of and to counter neo-fascist, violent nationalist ideologies which promote racial hatred and discrimination, to criminalise all forms of trafficking, prosecute unlawful acts of racism and to provide training to those in the criminal justice system to ensure fair and impartial application of the law.

Independent specialised national institutions and mediation

States are urged to establish, strengthen review and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, and to ensure adequate financial resources, competence and capacity for investigation, research, education, public awareness and accessibility.

Data collection and disaggregation, research and study

The Programme calls on states to collect, analyse, disseminate and publish reliable statistical data on racism and racial discrimination, with the objective of monitoring the situation of marginalised groups. The information should take into account economic and social indicators including health and health status, infant and maternal mortality, life expectancy, literacy, education, employment, housing, land ownership, mental and physical health care, water, sanitation, energy and communications services, poverty and average disposable income in order to elaborate social and economic development policies with a view to closing the existing gaps in social and economic conditions. It also calls for long term studies on all phases and aspects of migration which deal effectively with both its causes and manifestations.

Action oriented policies and action plans

The Programme encourages states to develop an elaborate national action plan to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all. These plans should aim at creating conditions for all to participate effectively in decision making and realise civil, cultural, economic and social rights in all spheres of life on the basis of non-discrimination. States are urged to establish, on the basis of statistical information, national programmes, including affirmative or positive measures, to promote access by affected individuals and groups.

Employment

The Programme calls for the creation of workplaces free of discrimination through a multifaceted strategy that includes civil rights enforcement, public education and communication within the workplace, and to promote the rights of workers who are subject to racism and racial discrimination. It also calls for states, non-governmental organisations and the private sector to foster businesses in disadvantaged areas, and to improve the prospect of targeted groups facing the greatest obstacles in finding, keeping or regaining work, including skilled employment.

Health, environment

The Programme calls on states to enhance measures to fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status which might result from racism and racial discrimination. It calls on governments, non-government organisations and the private sector to take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitating the training of a health workforce that is both diverse and motivated to work in underserved communities, and work to increase diversity in the health care profession by recruiting on merit and potential men and women from all groups, representing the diversity of their societies, for health care careers and by retaining them in the health care professions.

Equal participation in political, economic, social and cultural decision-making

The Programme urges States to promote effective and equal access of all members of the community, especially those who are victims of racism and racial discrimination, to the decision making process in society at all levels and in particular at the local level, and encourages the private sector to facilitate their effective participation in economic life.

Role of politicians and political parties

The programme underlines the key role that politicians and political parties can play in combating racism and calls on them to develop voluntary codes of conduct which 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.

Education and awareness-raising measures

The Programme urges states, working with other relevant bodies, to commit financial resources to anti-racism education and to media campaigns promoting the values of acceptance, tolerance, diversity and respect for the cultures of indigenous peoples within their national borders. In particular, states are encouraged to promote an accurate understanding of the histories and cultures of indigenous peoples.

Access to education without discrimination

The Programme calls for a commitment to ensuring access to education for all, including access to adults to lifelong learning and education, to take appropriate measures to eliminate obstacles to access, to measure and track the educational performance of disadvantaged children and young people, to support efforts to ensure safe school environments, and to provide financial assistance programmes to enable all students to access higher education.

Human rights education

The Programme encourages states to support and implement public formal and non-formal education programmes designed to promote respect for cultural diversity and to counter racism and racial discrimination, to develop educational materials and to review textbooks and curricula to include human rights education and anti-racism education.

Human rights education for children and youth

The Programme urges states to introduce and reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula and to develop and improve relevant educational material, including history and other textbooks, and to ensure that teachers are effectively trained and adequately motivated to shape behavioural patterns based on the principles of non-discrimination, mutual respect and tolerance. It also calls for activities aimed at educating young people in human rights and democratic citizenship, and to counter ideologies based on the fallacious theory of racial superiority. States are encouraged to support extracurricular activities to raise awareness, including observation of the International Day for the Elimination of Racial Discrimination (21 March).

Human rights education for public officials and professionals

The Programme calls for a range of actions to develop and strengthen anti-racist and gender-sensitive human rights training for public officials, including those involved in law enforcement, correctional and security services, health-care, schools and migration authorities, and in local government.

Information, communication and the media, including new technologies

The Programme recognises both the positive contribution that media can make to good race relations, and the negative aspects of unfair portrayal of ethnic minorities and the reinforcement of stereotypes. There is a particular focus on the new information technologies, and the dissemination of hate speech and racist material through the internet. The Programme calls for programmes that reflect different cultures

and languages and for a voluntary code of ethics for media aimed at combating racism and notions of racial superiority, promoting the equitable representation of diverse groups in their medium and on their staff, promoting respect and tolerance through support of public awareness campaigns, avoiding stereotyping and encouraging the objective and balanced portrayal of people, events and history. The Programme also calls on internet providers to develop voluntary codes of conduct and Government action to counter racism and xenophobia on the internet. It also notes disparities in access to the internet.

International

The Programme contains a wide range of recommendations in relation to the international sphere, covering a very broad range of issues. These are not addressed in this paper, but are a useful reference point in measuring New Zealand's contribution to international efforts to combat racism, racial discrimination and xenophobia.

Provision of effective remedies, recourse, redress

Legal Assistance

The Programme calls on state s to ensure that victims of racism to have full access to information, support, protection, remedies and legal assistance.

National legislation and programmes

The Programme recommends that states should specifically prohibit racial discrimination and provide remedies and redress through the designation of national, independent, specialised bodies. It encourages new and innovative methods of conflict resolution, mediation and conciliation and restorative justice policies and programmes.

Remedies, reparations, compensation

States are urged to provide effective and adequate remedies for victims of racial discrimination from competent national tribunals

Strategies to achieve full and effective equality

Much of this section relates to international cooperation, and enhancement of the United Nations and other international mechanisms to combat racial discrimination. It also encourages states to recognise the challenges of cultural diversity, protect the national or ethnic, cultural, religious and linguistic identity of minorities, and to adopt and implement social development policies to close the gaps in living conditions faced by victims of racial discrimination in relation to the illiteracy rate, universal primary education, infant mortality, under-five mortality, health, reproductive health care for all and access to safe drinking water.

Kindly read this for a better understanding on the aspects of Racial discrimination and the cases related to it

<http://www.adcq.qld.gov.au/resources/case-studies/race>

Note: we expect you to keep in mind the obligation (If Any) on states under the Durban declaration and the methods for the implementation as well.

Aspects to Consider

- **Is there a need to review any part of the declaration**
- **Implementation by the states**
- **Induction of new domestic policies on the basis of the declaration**
- **What about the countries where the government itself is in question?**