(a) To create and implement policies that promote a high-quality and diverse police force free from racism, racial discrimination, xenophobia and related intolerance, and recruit actively all groups, including minorities, into public employment, including the police force and other agencies within the criminal justice system (such as prosecutors);

(b) To work to reduce violence, including violence motivated by racism, racial discrimination, xenophobia and related intolerance, by:

(i) Developing educational materials to teach young people the importance of tolerance and respect;

(ii) Addressing bias before it manifests itself in violent criminal activity;

(iii) Establishing working groups consisting of, among others, local community leaders and national and local law enforcement officials, to improve coordination, community involvement, training, education and data collection, with the aim of preventing such violent criminal activity;

(iv) Ensuring that civil rights laws that prohibit violent criminal activity are strongly enforced;

(v) Enhancing data collection regarding violence motivated by racism, racial discrimination, xenophobia and related intolerance;

(vi) Providing appropriate assistance to victims, and public education to prevent future incidents of violence motivated by racism, racial discrimination, xenophobia and related intolerance;

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Prosecution of perpetrators of racist acts

84. Urges States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, to take measures so that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent these crimes from going unpunished and to ensure the rule of law;

85. Urges States to undertake investigations to examine possible links between criminal prosecution, police violence and penal sanctions, on the one hand, and racism, racial discrimination, xenophobia and related intolerance, on the other, so as to have evidence for taking the necessary steps for the eradication of any such links and discriminatory practices;

86. Calls upon States to promote measures to deter the emergence of and to counter neo-fascist, violent nationalist ideologies which promote racial hatred and racial discrimination, as well as racist and xenophobic sentiments, including measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport;

87. Urges States parties to adopt legislation implementing the obligations they have assumed to prosecute and punish persons who have committed or ordered to be committed grave breaches of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto and of other serious violations of the laws and customs of war, in particular in relation to the principle of non-discrimination;

88. Calls upon States to criminalize all forms of trafficking in persons, in particular women and children, and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking, with full respect for their human rights;

89. Urges States to carry out comprehensive, exhaustive, timely and impartial investigations of all unlawful acts of racism and racial discrimination, to prosecute criminal offences ex officio, as appropriate, or initiate or facilitate all appropriate actions arising from offences of a racist or xenophobic nature, to ensure that criminal and civil investigations and prosecutions of offences of a racist or xenophobic nature are given high priority and are actively and consistently undertaken, and to ensure the right to equal treatment before the tribunals and all other organs administering justice. In this regard, the World Conference underlines the importance of fostering awareness and providing training to the various agents in the criminal justice system to ensure fair and impartial application of the law. In this respect, it recommends that anti-discrimination monitoring services be established;

Establishment and reinforcement of independent specialized national institutions and mediation

90. Urges States, as appropriate, to establish, strengthen, review and reinforce the effectiveness of independent national human rights institutions, particularly on issues of racism, racial discrimination, xenophobia and related intolerance, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and to provide them with

adequate financial resources, competence and capacity for investigation, research, education and public awareness activities to combat these phenomena;

91. Also urges States:

(a) To foster cooperation between these institutions and other national institutions;

(b) To take steps to ensure that those individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance can participate fully in these institutions;

(c) To support these institutions and similar bodies, inter alia through the publication and circulation of existing national laws and jurisprudence, and cooperation with institutions in other countries, so that knowledge can be gained of the manifestations, functions and mechanisms of these practices and the strategies designed to prevent, combat and eradicate them;

2. Policies and practices

Data collection and disaggregation, research and study

92. Urges States to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance;

(a) Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;

(b) The statistical data and information should be collected with the objective of monitoring the situation of marginalized groups, and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, as well as for the purpose of determining whether any measures have an unintentional disparate impact on victims. To that end, it recommends the development of voluntary, consensual and participatory strategies in the process of collecting, designing and using information;

(c) The information should take into account economic and social indicators, including, where appropriate, 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;

93. Invites States, intergovernmental organizations, non-governmental organizations, academic institutions and the private sector to improve concepts and methods of data collection and analysis; to promote research, exchange experiences and successful practices and develop promotional activities in this area; and to develop indicators of progress and participation of individuals and groups of individuals in society subject to racism, racial discrimination, xenophobia and related intolerance;

94. Recognizes that policies and programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance should be based on quantitative and qualitative research, incorporating a gender perspective. Such policies and programmes should take into account priorities identified by individuals and groups of individuals who are victims of, or subject to, racism, racial discrimination, xenophobia and related intolerance;

95. Urges States to establish regular monitoring of acts of racism, racial discrimination, xenophobia and related intolerance in the public and private sectors, including those committed by law enforcement officials;

96. Invites States to promote and conduct studies and adopt an integral, objective and long-term approach to all phases and aspects of migration which will deal effectively with both its causes and manifestations. These studies and approaches should pay special attention to the root causes of migratory flows, such as lack of full enjoyment of human rights and fundamental freedoms, and the effects of economic globalization on migration trends;

97. Recommends that further studies be conducted on how racism, racial discrimination, xenophobia and related intolerance may be reflected in laws, policies, institutions and practices and how this may have contributed to the victimization and exclusion of migrants, especially women and children;

98. Recommends that States include where applicable in their periodic reports to United Nations human rights treaty bodies, in an appropriate form, statistical information relating to individuals, members of groups and communities within their jurisdiction, including statistical data on participation in political life and on their economic, social and cultural situation. All such information shall be collected in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees;

Action-oriented policies and action plans, including affirmative action to ensure non-discrimination, in particular as regards access to social services, employment, housing, education, health care, etc.

99. Recognizes that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to develop or elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all. Through, among other things, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination. The World Conference encourages States, in developing and elaborating such action plans, to establish, or reinforce, dialogue with non-governmental organizations in order to involve them more closely in designing, implementing and evaluating policies and programmes;

100. Urges States to establish, on the basis of statistical information, national programmes, including affirmative or positive measures, to promote the access of individuals and groups of individuals who are or may be victims of racial discrimination to basic social services, including primary education, basic health care and adequate housing;

101. Urges States to establish programmes to promote the access without discrimination of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance to health care, and to promote strong efforts to eliminate disparities, inter alia in the infant and maternal mortality rates, childhood immunizations, HIV/AIDS, heart diseases, cancer and contagious diseases;

102. Urges States to promote residential integration of all members of the society at the planning stage of urban development schemes and other human settlements, as well as while renewing neglected areas of public housing, so as to counter social exclusion and marginalization;

Employment

103. Urges States to promote and support where appropriate the organization and operation of enterprises owned by persons who are victims of racism, racial discrimination, xenophobia and related intolerance by promoting equal access to credit and to training programmes;

104. Urges States and encourages non-governmental organizations and the private sector:

(a) To support 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 and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance;

(b) To foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in underserved and disadvantaged areas, by increasing access to capital through, inter alia, community development banks, recognizing that new businesses can have a positive, dynamic impact on communities in need, and to work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas;

(c) To improve the prospects of targeted groups facing, inter alia, the greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination;

105. Urges States to give special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, as in the case of trafficked persons and smuggled migrants, which makes them more vulnerable to ill-treatment such as confinement in the case of domestic workers and also being employed in dangerous and poorly paid jobs;

106. Urges States to avoid the negative effects of discriminatory practices, racism and xenophobia in employment and occupation by promoting the application and observance of international instruments and norms on workers' rights;

107. Calls upon States and encourages representative trade unions and the business sector to advance non-discriminatory practices in the workplace and protect the rights of workers, including, in particular, the victims of racism, racial discrimination, xenophobia and related intolerance;

108. Calls upon States to provide effective access to administrative and legal procedures and other remedial action to victims of racism, racial discrimination, xenophobia and related intolerance in the workplace;

Health, environment

109. Urges States, individually and through international cooperation, 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, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance;

110. Urges States and encourages non-governmental organizations and the private sector:

(a) To provide effective mechanisms for monitoring and eliminating racism, racial discrimination, xenophobia and related intolerance in the health-care system, such as the development and enforcement of effective anti-discrimination laws;

(b) To take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitate 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 women and men from all groups, representing the diversity of their societies, for health-care careers and by retaining them in the health professions;

(c) To work with health-care professionals, community-based health providers, non-governmental organizations, scientific researchers and private industry as a means of improving the health status of marginalized communities, in particular victims of racism, racial discrimination, xenophobia and related intolerance;

(d) To work with health professionals, scientific researchers and international and regional health organizations to study the differential impact of medical treatments and health strategies on various communities;

(e) To adopt and implement policies and programmes to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services;

111. Invites States to consider non-discriminatory measures to provide a safe and healthy environment for individuals and groups of individuals victims of or subject to racism, racial discrimination, xenophobia and related intolerance, and in particular:

(a) To improve access to public information on health and environment issues;

(b) To ensure that relevant concerns are taken into account in the public process of decision-making on the environment;

(c) To share technology and successful practices to improve human health and environment in all areas;

(d) To take appropriate remedial measures, as possible, to clean, re-use and redevelop contaminated sites and, where appropriate, relocate those affected on a voluntary basis after consultations;

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

112. Urges States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty alleviation strategies, development projects, and trade and market assistance programmes;

113. Urges States to promote, as appropriate, effective and equal access of all members of the community, especially those who are victims of racism, racial discrimination, xenophobia and related intolerance, to the decision-making process in society at all levels and in particular at the local level, and also urges States and encourages the private sector to facilitate their effective participation in economic life;

114. Urges all multilateral financial and development institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and regional development banks, to promote, in accordance with their regular budgets and the procedures of their governing bodies, participation by all members of the international community in decision-making processes at all stages and levels in order to facilitate development projects and, as appropriate, trade and market access programmes;

Role of politicians and political parties

115. Underlines the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia by developing 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;

116. Invites the Inter-Parliamentary Union to encourage debate in, and action by, parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

3. Education and awareness-raising measures

117. Urges States, where appropriate 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 all indigenous peoples living within their national borders. In particular, States should promote an accurate understanding of the histories and cultures of indigenous peoples;

118. Urges the United Nations, other appropriate international and regional organizations and States to redress the marginalization of Africa's contribution to world history and civilization by developing and implementing a specific and comprehensive programme of research, education and mass communication to disseminate widely a balanced and objective presentation of Africa's seminal and valuable contribution to humanity;

119. Invites States and relevant international organizations and non-governmental organizations to build upon the efforts of the Slave Route Project of the United Nations Educational Scientific and Cultural Organization and its theme of "Breaking the silence" by developing texts and testimony, slavery multi-media centres and/or programmes that will collect, record, organize, exhibit and publish the existing data relevant to the history of slavery and the trans-Atlantic, Mediterranean and Indian Ocean slave trades, paying particular attention to the thoughts and actions of the victims of slavery and the slave trade, in their quest for freedom and justice;

120. Salutes the efforts of the United Nations Educational, Scientific and Cultural Organization made within the framework of the Slave Route Project and requests that the outcome be made available to the international community as soon as possible;

Access to education without discrimination

121. Urges States to commit themselves to ensuring access to education, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education, based on respect for human rights, diversity and tolerance, without discrimination of any kind;

122. Urges States to ensure equal access to education for all in law and in practice, and to refrain from any legal or any other measures leading to imposed racial segregation in any form in access to schooling;

123. Urges States:

(a) To adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal;

(b) To take all appropriate measures to eliminate obstacles limiting the access of children to education;

(c) To ensure that all children have access without discrimination to education of good quality;

(d) To establish and implement standardized methods to measure and track the educational performance of disadvantaged children and young people;

(e) To commit resources to eliminate, where they exist, inequalities in educational outcomes for children and young people;

(f) To support efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance; and

(g) To consider establishing financial assistance programmes designed to enable all students, regardless of race, colour, descent or ethnic or national origin, to attend institutions of higher education;

124. Urges States to adopt, where applicable, appropriate measures to ensure that persons belonging to national or ethnic, religious and linguistic minorities have access to education without discrimination of any kind and, where possible, have an opportunity to learn their own language in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they may be subjected to;

Human rights education

125. Requests States to include the struggle against racism, racial discrimination, xenophobia and related intolerance among the activities undertaken within the framework of the United Nations Decade for Human Rights Education (1995-2004) and to take into account the recommendations of the mid-term evaluation report of the Decade;

126. Encourages all States, in cooperation with the United Nations, the United Nations Educational, Scientific and Cultural Organization and other relevant international organizations, to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, in order to ensure respect for the dignity and worth of all human beings and enhance mutual understanding among all cultures and civilizations. It further urges States to support and implement public information campaigns and specific training programmes in the field of human rights, where appropriate formulated in local languages, to combat racism, racial discrimination, xenophobia and related intolerance and promote respect for the values of diversity, pluralism, tolerance, mutual respect, cultural sensitivity, integration and inclusiveness. Such programmes and campaigns should be addressed to all sectors of society, in particular children and young people;

127. Urges States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

128. Urges States, if appropriate in cooperation with relevant organizations, including youth organizations, to support and implement public formal and non-formal education programmes designed to promote respect for cultural diversity;

Human rights education for children and youth

129. Urges States to introduce and, as applicable, to reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula, to develop and improve relevant educational material, including history and other textbooks, and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns, based on the principles of non-discrimination, mutual respect and tolerance;

130. Calls upon States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups. A special effort to inform and sensitize young people to respect democratic values and human rights should be undertaken or developed to fight against ideologies based on the fallacious theory of racial superiority;

131. Urges States to encourage all schools to consider developing educational activities, including extracurricular ones, to raise awareness against racism, racial discrimination, xenophobia and related intolerance, inter alia by commemorating the International Day for the Elimination of Racial Discrimination (21 March);

132. Recommends that States introduce, or reinforce, human rights education, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship between different racial or ethnic groups, in schools and in institutions of higher education, and support public formal and non-formal education programmes designed to promote respect for cultural diversity and the self-esteem of victims;

Human rights education for public officials and professionals

133. Urges States to develop and strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly in law enforcement, correctional and security services, as well as among health-care, schools and migration authorities;

134. Urges States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the administration of justice and fair trial, and to conduct nationwide campaigns, amongst other measures, to raise awareness among State organs and public officials concerning their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments;

135. Requests States, wherever appropriate through cooperation with international organizations, national institutions, non-governmental organizations and the private sector, to organize and facilitate training activities, including courses or seminars, on international norms prohibiting racial discrimination and their applicability in domestic law, as well as on their international human rights obligations, for prosecutors, members of the judiciary and other public officials;

136. Calls upon States to ensure that education and training, especially teacher training, promote respect for human rights and the fight against racism, racial discrimination, xenophobia and related intolerance and that educational institutions implement policies and programmes agreed by the relevant authorities on equal opportunities, anti-racism, gender equality, and cultural, religious and other diversity, with the participation of teachers, parents and students, and follow up their implementation. It further urges all educators, including teachers at all levels of education, religious communities and the print and electronic media, to play an effective role in human rights education, including as a means to combat racism, racial discrimination, xenophobia and related intolerance;

137. Encourages States to consider taking measures to increase the recruitment, retention and promotion of women and men belonging to groups which are currently under-represented in the teaching profession as a result of racism, racial discrimination, xenophobia and related intolerance, and to guarantee them effective equality of access to the profession. Particular efforts should be made to recruit women and men who have the ability to interact effectively with all groups;

138. Urges States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia and to avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance;

139. Urges States to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

4. Information, communication and the media, including new technologies

140. Welcomes the positive contribution made by the new information and communications technologies, including the Internet, in combating racism through rapid and wide-reaching communication;

141. Draws attention to the potential to increase the use of the new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as the ability of the Internet to promote universal respect for human rights and also respect for the value of cultural diversity;

142. Emphasizes the importance of recognizing the value of cultural diversity and of putting in place concrete measures to encourage the access of marginalized communities to the mainstream and alternative media through, inter alia, the presentation of programmes that reflect their cultures and languages;

143. Expresses concern at the material progression of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, such as the use of the new information and communications technologies, including the Internet, to disseminate ideas of racial superiority;

144. Urges States and encourages the private sector to promote the development by the media, including the print and electronic media, including the Internet and advertising, taking into account their independence, through their relevant associations and organizations at the national, regional and international levels, of a voluntary ethical code of conduct and self-regulatory measures, and of policies and practices aimed at:

(a) Combating racism, racial discrimination, xenophobia and related intolerance;

(b) Promoting the fair, balanced and equitable representation of the diversity of their societies, as well as ensuring that this diversity is reflected among their staff;

(c) Combating the proliferation of ideas of racial superiority, justification of racial hatred and discrimination in any form;

(d) Promoting respect, tolerance and understanding among all individuals, peoples, nations and civilizations, for example through assistance in public awareness-raising campaigns;

(e) Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees, in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history;

145. Urges States to implement legal sanctions, in accordance with relevant international human rights law, in respect of incitement to racial hatred through new information and communications technologies, including the Internet, and further urges them to apply all relevant human rights instruments to which they are parties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, to racism on the Internet;

146. Urges States to encourage the media to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance;

147. Calls upon States to consider the following, taking fully into account existing international and regional standards on freedom of expression, while taking all necessary measures to guarantee the right to freedom of opinion and expression:

(a) Encouraging Internet service providers to establish and disseminate specific voluntary codes of conduct and self-regulatory measures against the dissemination of racist messages and those that result in racial discrimination, xenophobia or any form of intolerance and discrimination; to that end, Internet providers are encouraged to set up mediating bodies at national and international levels, involving relevant civil society institutions;

(b) Adopting and applying, to the extent possible, appropriate legislation for prosecuting those responsible for incitement to racial hatred or violence through the new information and communications technologies, including the Internet;

(c) Addressing the problem of dissemination of racist material through the new information and communications technologies, including the Internet, inter alia by imparting training to law enforcement authorities;

(d) Denouncing and actively discouraging the transmission of racist and xenophobic messages through all communications media, including new information and communications technologies, such as the Internet;

(e) Considering a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material through the new information and communications technologies, including the Internet; and in this context strengthening international cooperation;

(f) Encouraging access and use by all people of the Internet as an international and equal forum, aware that there are disparities in use of and access to the Internet;

(g) Examining ways in which the positive contribution made by the new information and communications technologies, such as the Internet, can be enhanced through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance;

(h) Encouraging the reflection of the diversity of societies among the personnel of media organizations and the new information and communications technologies, such as the Internet, by promoting adequate representation of different segments within societies at all levels of their organizational structure;

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IV. Provision of effective remedies, recourse, redress, and other measures at the national, regional and international levels

157. Recognizes the efforts of developing countries, in particular the commitment and the determination of the African leaders, to seriously address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, through initiatives such as the New African Initiative and other innovative mechanisms such as the World Solidarity Fund for the Eradication of Poverty, and calls upon developed countries, the United Nations and its specialized agencies, as well as international financial institutions, to provide, through their operational programmes, new and additional financial resources, as appropriate, to support these initiatives;

158. Recognizes that these historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries. The Conference recognizes the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas:

Debt relief;

Poverty eradication;

Building or strengthening democratic institutions;

Promotion of foreign direct investment;

Market access;

Intensifying efforts to meet the internationally agreed targets for official development assistance transfers to developing countries;

New information and communication technologies bridging the digital divide;

Agriculture and food security;

Transfer of technology;

Transparent and accountable governance;

Investment in health infrastructure tackling HIV/AIDS, tuberculosis and malaria, including through the Global AIDS and Health Fund;

Infrastructure development;

Human resource development, including capacity-building;

Education, training and cultural development;

Mutual legal assistance in the repatriation of illegally obtained and illegally transferred (stashed) funds, in accordance with national and international instruments;

Illicit traffic in small arms and light weapons;

Restitution of art objects, historical artefacts and documents to their countries of origin, in accordance with bilateral agreements or international instruments;

Trafficking in persons, particularly women and children;

Facilitation of welcomed return and resettlement of the descendants of enslaved Africans;

159. Urges international financial and development institutions and the operational programmes and specialized agencies of the United Nations to give greater priority to, and allocate appropriate funding for, programmes addressing the development challenges of the affected States and societies, in particular those on the African continent and in the Diaspora;

Legal assistance

160. Urges States to take all necessary measures to address, as a matter of urgency, the pressing requirement for justice for the victims of racism, racial discrimination, xenophobia and related intolerance and to ensure that victims have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance, where required;

161. Urges States to facilitate for victims of racial discrimination, including victims of torture and ill-treatment, access to all appropriate legal procedures and free legal assistance in a manner adapted to their specific needs and vulnerability, including through legal representation;

162. Urges States to ensure the protection against victimization of complainants and witnesses of acts of racism, racial discrimination, xenophobia and related intolerance, and to consider measures such as, where appropriate, making legal assistance, including legal aid, available to complainants seeking a legal remedy and, if possible, affording the possibility for non-governmental organizations to support complainants of racism, with their consent, in legal procedures;

National legislation and programmes

163. For the purposes of effectively combating racism and racial discrimination, xenophobia and related intolerance in the civil, political, economic, social and cultural fields, the Conference recommends to all States that their national legislative framework should expressly and specifically prohibit racial discrimination and provide effective judicial and other remedies or redress, including through the designation of national, independent, specialized bodies;

164. Urges States, with regard to the procedural remedies provided for in their domestic law, to bear in mind the following considerations:

(a) Access to such remedies should be widely available, on a non-discriminatory and equal basis;

(b) Existing procedural remedies should be made known in the context of the relevant action, and victims of racial discrimination should be helped to avail themselves of them in accordance with the particular case;

(c) Inquiries into complaints of racial discrimination and the adjudication of such complaints must be carried out as rapidly as possible;

(d) Persons who are victims of racial discrimination should be accorded legal assistance and aid in complaint proceedings, where applicable free of charge, and, where necessary, should be provided with the help of competent interpreters in such complaint proceedings or in any civil or criminal cases arising therefrom or connected thereto;

(e) The creation of competent national bodies to investigate effectively allegations of racial discrimination and to give protection to complainants against intimidation or harassment is a desirable development and should be undertaken; steps should be taken towards the enactment of legislation to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin, and to provide for the application of appropriate penalties against offenders and remedies, including adequate compensation, for the victims;

(f) Access to legal remedies should be facilitated for victims of discrimination and, in this regard, the innovation of conferring a capacity on national and other institutions, as well as relevant non-governmental organizations, to assist such victims should be seriously considered, and programmes should be developed to enable the most vulnerable groups to have access to the legal system;

(g) New and innovative methods and procedures of conflict resolution, mediation and conciliation between parties involved in conflicts or disputes based on racism, racial discrimination, xenophobia and related intolerance should be explored and, where possible, established;

(h) The development of restorative justice policies and programmes for the benefit of victims of relevant forms of discrimination is desirable and should be seriously considered;

(i) States which have made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination should make increased efforts to inform their public of the existence of the complaints mechanism under article 14;

Remedies, reparations, compensation

165. Urges States to reinforce protection against racism, racial discrimination, xenophobia and related intolerance by ensuring that all persons have access to effective and adequate remedies and enjoy the right to seek from competent national tribunals and other national institutions just and adequate reparation and satisfaction for any damage as a result of such discrimination. It further underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination and draws attention to the need for judicial and other remedies to be made widely known, easily accessible, expeditious and not unduly complicated;

166. Urges States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek just and adequate reparation and satisfaction to redress acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

(omissis)

Civil society

210. Calls upon States to strengthen cooperation, develop partnerships and consult regularly with non-governmental organizations and all other sectors of the civil society to harness their experience and expertise, thereby contributing to the development of legislation, policies and other governmental initiatives, as well as involving them more closely in the elaboration and implementation of policies and programmes designed to combat racism, racial discrimination, xenophobia and related intolerance;

211. Urges leaders of religious communities to continue to confront racism, racial discrimination, xenophobia and related intolerance through, inter alia, promotion and sponsoring of dialogue and partnerships to bring about reconciliation, healing and harmony within and among societies, invites religious communities to participate in promoting economic and social revitalization and encourages religious leaders to foster greater cooperation and contact between diverse racial groups;

212. Urges States to establish and strengthen effective partnerships with and provide support, as appropriate, to all relevant actors of civil society, including non-governmental organizations working to promote gender equality and the advancement of women, particularly women subject to multiple discrimination, and to promote an integrated and holistic approach to the elimination of all forms of discrimination against women and girls;

Non-governmental organizations

213. Urges States to provide an open and conducive environment to enable non-governmental organizations to function freely and openly within their societies and thereby make an effective contribution to the elimination of racism, racial discrimination, xenophobia and related intolerance throughout the world, and to promote a wider role for grass-roots organizations;

214. Calls upon States to explore means to expand the role of non-governmental organizations in society through, in particular, deepening the ties of solidarity amongst citizens and promoting greater trust across racial and social class divides by promoting wider citizen involvement and more voluntary cooperation;

The private sector

215. Urges States to take measures, including, where appropriate, legislative measures, to ensure that transnational corporations and other foreign enterprises operating within their national territories conform to precepts and practices of non-racism and non-discrimination, and further encourages the business sector, including transnational corporations and foreign enterprises, to collaborate with trade unions and other relevant sectors of civil society to develop voluntary codes of conduct for all businesses, designed to prevent, address and eradicate racism, racial discrimination, xenophobia and related intolerance;

Youth

216. Urges States to encourage the full and active participation of, as well as involve more closely, youth in the elaboration, planning and implementation of activities to fight racism, racial discrimination, xenophobia and related intolerance, and calls upon States, in partnership with non-governmental organizations and other sectors of society, to facilitate both national and international youth dialogue on racism, racial discrimination, xenophobia and related intolerance, through the World Youth Forum of the United Nations system and through the use of new technologies, exchanges and other means;

217. Urges States to encourage and facilitate the establishment and maintenance of youth mechanisms, set up by youth organizations and young women and men themselves, in the spirit of combating racism, racial discrimination, xenophobia and related intolerance, through such activities as: disseminating and exchanging information and building networks to these ends; organizing awareness-raising campaigns and participating in multicultural education programmes; developing proposals and solutions, where possible and appropriate; cooperating and consulting regularly with non-governmental organizations and other actors in civil society in developing initiatives and programmes that promote intercultural exchange and dialogue;

218. Urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

219. Recognizes that the success of this Programme of Action will require political will and adequate funding at the national, regional and international levels, and international cooperation.

Notes

[1] For the purpose of this Declaration and Programme of Action, it was understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

[2] Reference should be made to chapter VII of the report of the Conference, which lists all the reservations to and statements on the Declaration and the Programme of Action.

ACCORDI DI RIAMMISSIONE DEGLI IMMIGRATI CLANDESTINI

NEI PAESI DI PROVENIENZA

Patti bilaterali sono stati firmati con Slovenia, Macedonia, Romania, Georgia, Ungheria, Lituania, Lettonia, Estonia, Jugoslavia, Croazia, Francia, Austria, Albania, Bulgaria, Marocco, Slovacchia, Tunisia, Svizzera, Grecia, Spagna, Algeria, Nigeria

Il primo è stato firmato con la Slovenia il 3 settembre 1996

L'intesa è stata raggiunta con Slovenia, Macedonia, Romania, Georgia, Ungheria, Lituania, Lettonia, Estonia, Jugoslavia, Croazia, Francia, Austria, Albania, Bulgaria, Marocco, Slovacchia, Tunisia, Svizzera, Grecia, Spagna, Algeria, Nigeria.

Questi Stati si sono impegnati a riammettere i propri cittadini entrati in Italia privi delle condizioni legali. Unico presupposto necessario, l'accertamento della nazionalità dell'immigrato che si vuole riconsegnare. Faranno fede documenti di viaggio, carta d'identità, certificato di nazionalità. Nei casi in cui non siano disponibili questi documenti, l'immigrato sarà sottoposto ad una audizione presso la più vicina rappresentanza diplomatica del Paese che dovrebbe riammetterlo. Lo stesso trattamento viene applicato per i cittadini di Paesi terzi: se un immigrato è entrato clandestinamente in Italia passando, ad esempio, per la Macedonia, questa avrà l'obbligo di riammetterlo. Allo stesso modo i governi hanno stabilito che, nel caso in cui sia necessario attraversare il territorio di uno degli Stati firmatari per riconsegnare il cittadino al suo paese, il servizio di accompagnamento sarà misto.

Il testo degli accordi è identico .

TESTO DELL'ACCORDO BILATERALE

I - RIAMMISSIONE DEI CITTADINI DEGLI STATI CONTRAENTI

Art. 1

I. Ciascuna Parte contraente riammette nel proprio territorio, a richiesta dell'altra Parte contraente e senza formalità,, tutte le *persone che non soddisfano o non soddisfano più' le condizioni di Ingresso o di soggiorno vigenti nel. territorio della Parte contraente richiedente, nella misura In cui sia stato stabilito o sia presunto che le stesse posseggono la cittadinanza della Parte contraente richiesta.

2. Il possesso della cittadinanza può essere stabilito o presunto sulla base di un certificato di cittadinanza, di un passaporto, o di una carta d'identità , inclusi tra tali documenti anche quelli irregolarmente rilasciati o scaduti da non più di dieci anni. La cittadinanza può essere presunta anche in base ad altri dati. Se la cittadinanza non può essere stabilita con certezza, la Rappresentanza diplomatica o consolare della Parte contraente richiesta cui si presume appartenga la persona in questione, chiarirà immediatamente il caso.

3- La Parte contraente richiedente riammette alle stesse condizioni la persona, se controlli successivi dimostrano che non possedeva la cittadinanza della Parte contraente richiesta al momento della sua uscita dal territorio della Parte contraente richiedente, salva l'eventuale riammissione ai sensi degli articoli 2 e 3 del presente accordo.

RIAMMISSIONE DI CITTADINI DI STATI TERZI

Art. 2

Ciascuna Parte contraente riammette sul suo territorio, a richiesta dell'altra Parte contraente, i cittadini di uno stato terzo che non soddisfano o non soddisfano più, le condizioni d'ingresso o di soggiorno applicabili sul territorio della Parte contraente richiedente nella misura in cui e' comprovato che tali cittadini sono entrati sul territorio di questa Parte dopo aver soggiornato o essere transitati attraverso il territorio della Parte contraente richiesta.

2. Ciascuna Parte contraente riammette sul suo territorio, su richiesta dell'altra Parte contraente, i cittadini di uno Stato terzo che non soddisfano o non soddisfano più, le condizioni d'ingresso o, di soggiorno applicabili, nel territorio della Parte contraente richiedente, allorché, questi cittadini dispongono di un visto o di un titolo di soggiorno, rilasciato dalla Parte contraente richiesta, in corso di validità

Art. 3

L'obbligo d i riammissione previsto dall'art. 2 non

Sussiste per:

a) i cittadini di Stati terzi che hanno una frontiera

comune con la Parte contraente richiedente;

b) i cittadini di Stati terzi ai quali, dopo la partenza dal territorio della Parte contraente richiesta o dopo l'ingresso sul territorio della

Parte contraente richiedente, è stato rilasciato da quest'ultima Parte un visto o un titolo di soggiorno;

c) i cittadini degli Stati terzi che soggiornano da più

di 6 mesi sul territorio della Parte contraente richiedente;

d) i cittadini degli Stati terzi ai quali la Parte contraente richiedente ha riconosciuto sia lo status di rifugiato in applicazione della Convenzione di Ginevra del 28 luglio 1951 relativa allo status dei rifugiati, così come emendata dal Protocollo di New York del 31 gennaio 1967, sia lo status di apolide in applicazione della Convenzione di New York del 28 settembre 1954 relativa allo status degli apolidi;

e) i cittadini degli Stati terzi che sono stati espulsi

per motivi di ordine pubblico e di sicurezza nazionale dalla Parte contraente richiesta verso il loro Paese d'origine o verso uno Stato terzo.

Art. 4

La Parte contraente richiedente riammette sul proprio territorio i cittadini degli Stati terzi che, dopo accertamenti posteriori alla riammissione effettuati dall'altra Parte contraente, non soddisfano le condizioni fissate agli art. 2 e 3 al momento dell'uscita dal territorio della Parte contraente richiedente.

III - PROCEDURA DI RIAMMISSIONE

Art. 5

I. Le domande di riammissione presentate In applicazione dei precedenti articoli 2 e 3 sono trattate dai Ministeri dell'Interno dei due Stati contraenti.

2. La domanda di riammissione dovrà specificare i dati relativi all'identità al documenti personali eventualmente in possesso del cittadino dello Stato terzo, al suo soggiorno nel territorio della Parte richiesta ed alle circostanze del suo ingresso irregolare nel territorio della Parte richiedente. Tali dati dovranno essere sufficientemente esaurienti, in modo da soddisfare le richieste di ciascuna Autorità

3. La Parte richiesta devia comunicare per iscritto la propria decisione alla Parte richiedente, in linea di massima entro otto giorni. L'autorizzazione alla riammissione ha una validità di un mese dalla data della sua notifica. Qualora l'interessato debba rimanere a disposizione dell'Autorità giudiziaria dello Stato richiedente, i Ministeri dell'Interno stabiliranno di comune accordo una proroga di detto termine.

Art. 6

Le Autorità di frontiera dello Stato richiesto riammettono nel loro territorio, su domanda delle Autorità di frontiera dello Stato richiedente e senza formalità, i cittadini degli Stati terzi che abbiano varcato irregolarmente la frontiera comune e:

- siano loro consegnati entro 24 ore dopo tale varco;

- o che a meno di dieci chilometri dalla frontiera comune dopo il varco di detta frontiera, siano stati sottoposti a controllo che ha accertato l'irregolarità dell'ingresso.

Art. 7

Sono a carico della Parte contraente richiedente le spese di trasporto fino alla frontiera della Parte contraente richiesta delle persone di -cui è domandata la riammissione. Qualora necessario, la Parte contraente richiedente prende in carico le spese del ritorno.

IV - AMMISSIONE IN TRANSITO

Art. 8

i. Ciascuna delle Parti contraenti, su richiesta dell'altra, autorizza l'ingresso. o il transito ,sul suo territorio dei cittadini di Stati terzi nei confronti dei quali è stato emesso un provvedimento di allontanamento, adottato dalla Parte contraente richiedente. Il transito può effettuarsi per via terrestre o aerea.

2, La Parte contraente richiedente e, responsabile del proseguimento del viaggio dello straniero verso il Paese di destinazione e riprende in, carico tale straniero se, per qualsiasi ragione, la misura di allontanamento non può essere eseguita.

3. La Parte contraente richiedente garantisce alla Parte contraente richiesta che lo straniero, del quale viene autorizzato il transito, è in possesso di un titolo di viaggio per il Paese di destinazione.

Art. 9

i. La Parte contraente che ha adottato la misura di allontanamento deve segnalare alla Parte contraente richiesta, ai fini del transito, se è necessario prevedere un servizio di scorta della persona allontanata. La Parte contraente richiesta ai fini del transito può:

- sia decidere di assicurare la scorta con proprio personale;

- sia decidere di assicurare la scorta in collaborazione con la Parte contraente che ha adottato la misura di allontanamento

2. Se il transito viene effettuato per via aerea e sotto scorta di polizia, questa deve essere assicurata dalla Parte contraente richiedente, senza lasciare la zona internazionale degli aeroporti della Parte richiesta.

3. Se la scorta. avviene per via terrestre, le Parti contraenti si concerteranno opportunamente sulla necessità e sulle modalità del servizio di scorta.

Art. 10

I. La richiesta di transito e' trasmessa direttamente fra i Ministeri dell'Interno delle Parti contraenti.

2. In essa vengono menzionate le informazioni relative all'identità alla cittadinanza dello straniero, alla data del viaggio, all'ora e al luogo di arrivo nel Paese di transito e all'ora e al luogo di partenza da quest'ultimo, nonche' la garanzia di ammissione , nello Stato di destinazione finale cosi 1 come, se del caso, le informazioni relative al personale che effettuate scorte.

Art. 11

Il transito per allontanamento può essere rifiutato:

se per lo straniero, nel Paese di destinazione, sono

presenti ed attuali rischi di persecuzione a causa

della propria razza, religione, nazionalità, appartenenza ad un certo gruppo sociale o opinione politica; se lo straniero corre il rischio di essere imputato o condannato in base alla legge penale dello Stato di

destinazione, per fatti anteriori al transito;

se lo straniero e' inammissibile o oggetto di procedimento penale nello Stato richiesto.

Art. 12

Le spese di trasporto fino alla frontiera dello Stato di destinazione, così come per un eventuale ritorno, sono a carico della Parte contraente richiedente.

V - DISPOSIZIONI GENERALI

Art. 13

Le disposizioni del presente accordo non fanno venire meno gli obblighi delle Parti contraenti di ammissione

o di riammissione di cittadini stranieri, conseguenti all'applicazione di altri accordi internazionali.

Art. 14

I Ministri dell'Interno stabiliranno l'elenco dei posti di frontiera per la riammissione e l'entrata in transito degli stranieri.

2. Essi stabiliranno inoltre l'elenco degli aeroporti che potranno essere utilizzati per il transito degli stranieri durante il loro viaggio verso i Paesi di destinazione.

Art. 15

Le controversie che potranno sorgere dall'applicazione e dall'interpretazione del presente accordo verranno risolte per via diplomatica.

Art. 16

I. Il presente accordo entrerà in vigore il primo giorno del secondo mese successivo alla notifica reciproca dell'avvenuto espletamento delle procedure nazionali di approvazione.

2. IL presente accordo potrà essere denunciato, mediante notifica per la via diplomatica, che avrà effetto novanta giorni dopo la sua data.

I - RIAMMISSIONE DEI CITTADINI DEGLI STATI CONTRAENTI

Art. 1

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2. Il possesso della cittadinanza può essere stabilito o presunto sulla base di un certificato di cittadinanza, di un passaporto, o di una carta d'identità , inclusi tra tali documenti anche quelli irregolarmente rilasciati o scaduti da non più di dieci anni. La cittadinanza può essere presunta anche in base ad altri dati. Se la cittadinanza non può essere stabilita con certezza, la Rappresentanza diplomatica o consolare della Parte contraente richiesta cui si presume appartenga la persona in questione, chiarirà immediatamente il caso.

3- La Parte contraente richiedente riammette alle stesse condizioni la persona, se controlli successivi dimostrano che non possedeva la cittadinanza della Parte contraente richiesta al momento della sua uscita dal territorio della Parte contraente richiedente, salva l'eventuale riammissione ai sensi degli articoli 2 e 3 del presente accordo.

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Art. 2

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Art. 3

L'obbligo d i riammissione previsto dall'art. 2 non

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comune con la Parte contraente richiedente;

b) i cittadini di Stati terzi ai quali, dopo la partenza dal territorio della Parte contraente richiesta o dopo l'ingresso sul territorio della

Parte contraente richiedente, è stato rilasciato da quest'ultima Parte un visto o un titolo di soggiorno;

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e) i cittadini degli Stati terzi che sono stati espulsi

per motivi di ordine pubblico e di sicurezza nazionale dalla Parte contraente richiesta verso il loro Paese d'origine o verso uno Stato terzo.

Art. 4

La Parte contraente richiedente riammette sul proprio territorio i cittadini degli Stati terzi che, dopo accertamenti posteriori alla riammissione effettuati dall'altra Parte contraente, non soddisfano le condizioni fissate agli art. 2 e 3 al momento dell'uscita dal territorio della Parte contraente richiedente.

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3. La Parte richiesta devia comunicare per iscritto la propria decisione alla Parte richiedente, in linea di massima entro otto giorni. L'autorizzazione alla riammissione ha una validità di un mese dalla data della sua notifica. Qualora l'interessato debba rimanere a disposizione dell'Autorità giudiziaria dello Stato richiedente, i Ministeri dell'Interno stabiliranno di comune accordo una proroga di detto termine.

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- siano loro consegnati entro 24 ore dopo tale varco;

- o che a meno di dieci chilometri dalla frontiera comune dopo il varco di detta frontiera, siano stati sottoposti a controllo che ha accertato l'irregolarità dell'ingresso.

Art. 7

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