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Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its twelfth session

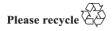
Draft programme of activities for the implementation of the International Decade for People of African Descent

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Summary

The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) held its twelfth session from 7 to 17 April 2014. The present report is submitted pursuant to General Assembly resolution A/68/237 and Human Rights Council resolution 25/33 and contains a draft programme of activities for the implementation of the International Decade for People of African Descent.

Note that this text contains some pragraphs in brackets reflecting points on which the IGWG was not able to reach consensus.



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I. Introduction

1. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) submits this report as requested by the General Assembly in its resolution A/68/237 entitled "Proclamation of the International Decade for People of African Descent". In this resolution the GA requests the President of the General Assembly, through the facilitator, to continue consultations with member states and other stakeholders, with a view to elaborating a programme for the implementation of the International Decade for People of African Descent, with a draft programme developed by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action as its basis, to be finalized and adopted during the sixty-eighth session of the General Assembly and not later than 30 June 2014.

2. The Human Rights Council in its resolution 25/33 entitled "International Decade for People of African Descent" requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to dedicate its Programme of Work during its 12th session for purposes of elaborating a Draft Programme of activities for the implementation of the International Decade for People of African Descent.

3. To this effect, the IGWG submits the present report, which identifies objectives and concrete activities to be taken at the national, regional and international levels during the International Decade for People of African Descent. The report is based on contributions received by Member States and other stakeholders during the 12th session of the IGWG. It draws on the contributions presented by the WGPAD, the Secretary General of the United Nations and the Committee on the Elimination of Racial Discrimination (CERD).

4. The IGWG takes note with appreciation of the work undertaken by the WGPAD and by the Secretary-General in their respective reports on the International Decade for people of African descent. The content of the draft programme of activities is firmly anchored in the Durban Declaration and Programme of Action, the Outcome document of the Durban Review Conference, the Political Declaration adopted on the occasion of the celebration of the Tenth Anniversary of the adoption of the DDPA, and the International Convention on the Elimination of All Forms of Racial Discrimination, among other important human rights instruments.

II. Draft programme of activities

A. Background

5. The International Decade for people of African descent to be observed 2015-2024 constitutes an auspicious period of history when the United Nations, Member States, civil society and all other relevant actors join together with people of African descent to provide effective measures for the implementation of this programme of activities in the spirit of recognition, justice and development. The Programme of Activities recognizes that the Durban Declaration and Programme of Action is a comprehensive UN framework and a solid foundation for combating racism, racial discrimination, xenophobia and related intolerance and represent a new phase in the efforts by the United Nations and the international community to restore the rights and dignity of people of African descent.

6. The implementation of the programme of activities for the International Decade is an integral part of the full and effective implementation of the Durban Declaration and Programme of Action and compliance with the ICERD, as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance and thus important synergies should be achieved through the International Decade in the combat against racism, racial discrimination, xenophobia and related intolerance.

7. The Durban Declaration and Programme of Action acknowledged that people of African descent were victims of slavery, the slave trade and colonialism and continue to be victims of their consequences. The Durban process raised the visibility of people of African descent and contributed to the substantive advancement in the promotion and protection of their rights, as a result of concrete actions taken by States, the United Nations, other international and regional bodies and civil society.

8. Regrettably, despite these advances, racism and racial discrimination, both direct and indirect, de facto and de jure continue to manifest themselves in inequality and disadvantage. People of African descent throughout the world, whether as descendants of the victims of the transatlantic slave trade or as more recent migrants, make up some of the poorest and most marginalized groups. Studies and findings by international and national bodies demonstrate that people of African descent still have limited access to quality education and health services, housing and social security. But their situation in many cases remains largely invisible and insufficient recognition and respect has been given to the efforts of PAD to seek redress for their present conditions. People of African descent too often experience discrimination in access to justice and face alarmingly high rates of police violence along with racial profiling. Further, they often have low levels of political participation, both in terms of voting and in occupying political positions.

9. People of African descent can suffer multiple, aggravated, or intersecting forms of discrimination based on other related grounds such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth, or other status.

10. The promotion and protection of human rights of People of African Descent should be a priority concern for the United Nations and the international Decade for People of African Descent is a timely and important initiative. The Decade represents a unique opportunity to underline the important contribution made by People of African Descent to our societies and to propose concrete measures to promote the full inclusion of People of African Descent and combat racism, racial discrimination, xenophobia and related intolerance.

B. Theme of the International Decade

11. As proclaimed by the General Assembly in its resolution A/68/237 "People of African descent: recognition, justice and development" is the theme for the Decade.

C. Objectives of the International Decade

12. Non-discrimination and equality before and of the law constitute fundamental principles of international human rights law and underpin the Universal Declaration of Human Rights and the main international human rights treaties and instruments. As such the main objective of the Decade should be to promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights. This main objective can be achieved through the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the Political Declaration on the Tenth Anniversary of the Durban Declaration and Programme of Action, and through the universal accession to or ratification of and full implementation of obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination and, other relevant international and regional human rights instruments.

13. The Decade shall focus on the following specific objectives, which include:

(a) To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation, in all aspects of society;

(b) To promote a greater knowledge of and respect for the diverse heritage, culture, and contribution by people of African descent to the development of societies;

(c) To adopt and strengthen national, regional and international legal frameworks in accordance with the DDPA and the ICERD and ensure their full and effective implementation.

III. Concrete Activities to be taken during the International Decade

A. National level

14. States should take concrete and practical steps through the adoption and effective implementation of national and international legal frameworks, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent, taking into account the particular situation of women, girls and young males, inter alia by:

1. Recognition

a) The right to equality and non-discrimination

i. Removing all obstacles that prevent their equal enjoyment of all human rights, economic, social, cultural, civil and political, [including the right to development;]

ii. Promoting the effective implementation of the national and international legal framework;

iii. Urging States to withdraw reservations contrary to the object and purpose of ICERD and to consider withdrawing other reservations;

iv. Undertaking a comprehensive review of domestic legislation, with a view to identifying and abolishing provisions that entail direct or indirect discrimination;

v. Adopting or strengthening comprehensive anti-discrimination legislation and ensuring its effective implementation;

vi. Providing effective protection for people of African descent and review and repeal all laws that have a discriminatory effect on people of African descent facing multiple, aggravated or intersecting forms of discrimination;

vii. Adopting, strengthening, and implementing action oriented policies, programmes and projects to combat racism, racial discrimination, xenophobia and related intolerance designed to ensure full and equal enjoyment of human rights and fundamental freedoms by people of African descent. States are encouraged to elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all;

viii. Establishing and/or strengthening national mechanisms or institutions with a view to formulating, monitoring and implementing policies to combat racism, racial discrimination, xenophobia and related intolerance, and promote racial equality, with the participation of civil society representatives;

ix. As appropriate, establishing and/or strengthening, independent national human rights institutions, in conformity with Paris Principles, and/or similar mechanisms with the participation of civil society, and to provide them with adequate financial resources, competence and capacity for protection, promotion, and monitoring to combat racism, racial discrimination, xenophobia and related intolerance.

b) Education on equality and awareness-raising

i. Celebrating the Launch of the Decade at the national level and developing national programmes of action and activities for the full and effective implementation of the Decade;

ii. Organizing national conferences and other events aimed at triggering an open debate and raising awareness on the fight against racism, racial discrimination, xenophobia and related intolerance, with the participation of all relevant stakeholders including government, civil society representatives and individuals or groups of individuals who are victims.

iii. Promoting of greater knowledge of, recognition of and respect for people of African descent's culture, history and heritage, including through research and education; promoting full and accurate inclusion of the history and contribution of people of African descent in the education curricula;

iv. Promoting the positive role that political leaders and political parties, leaders of religious communities and the media could further play, in fighting racism, racial discrimination, xenophobia and related intolerance, through, inter alia, publicly recognizing and respecting people of African descent's culture, history, and heritage.

v. Raising awareness through information and education measures with a view to restoring the dignity of people of African descent and consider making available support for such activities to NGOs;

vi. Supporting education and training initiatives for NGOs and people of African descent in the use of the tools provided by international human rights instruments related to racism, racial discrimination, xenophobia and related intolerance;

vii. States should ensure that textbooks and other educational materials reflect accurately historical facts, as they relate to past tragedies and atrocities, in particular promote accurate reflection of history in education so as to avoid stereotypes and distortion or falsification of these historic facts which may lead to racism, racial discrimination, xenophobia and related intolerance, including the role of respective countries therein through:

(a) Supporting research and educational initiatives;

(b) giving recognition to the victims and their descendants through establishment of memorial sites in countries that **[benefited from]**, **[profited from and/or were responsible for]** slavery, slave trade, the trans-Atlantic slave trade and colonialism and past tragedies where there are none, as well as at departure, arrival and relocation points and through protecting related cultural sites;

c. Information gathering

15. In accordance with paragraph 92 of the Durban Programme of Action, States should:

i. 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 PAD who are victims of racism, racial discrimination, xenophobia and related intolerance;

ii. Such statistical data should be disaggregated in accordance with national legislation. Any such information **[shall]** / **[should]**, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on **[international]** human rights **[law]** and fundamental freedoms, **[such as]**/ **[as well as]** data protection regulations and privacy guarantees;

ii alt. [Such statistical data should be disaggregated in accordance with national legislation, upholding the right to privacy and the principle of self-identification.]

iii. The information should be collected to monitor the situation of People of African Descent, assess progress made, increase their visibility, and identify social gaps. It should also be used to asses and guide the formulation of policies and actions to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

d) Participation and inclusion

16. Adopting measures to enable full, equal and effective participation of people of African descent in public and political affairs without discrimination in accordance with international human rights law.

2. Justice

a) Access to justice

i. Introducing measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice.

ii. Designing, implementing and enforcing effective measures to eliminate the phenomenon popularly known as "racial profiling" and comprising the practice of police and other law enforcement officers **[relying, to any degree]** [based solely]

ponce and other law enforcement officers [reiving, to any degree] [based solery]

[placing unwarranted reliance] on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity.

ii alt. [Designing, implementing and enforcing effective measures to eliminate the phenomenon popularly known as "racial profiling"]

iii. Eliminating institutionalized stereotypes concerning people of African descent and applying appropriate sanctions against law enforcements officials who act on the basis of racial profiling.

iv. Ensuring that people of African descent have full access to effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination, as well as the right to seek from

such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

v. Adopting effective and appropriate measures, including legal measures as appropriate, to combat all acts of racism in particular the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, violence or incitement to racial violence, but also racist propaganda activities and participation in racist organizations. States are also encouraged to ensure that such motivations are considered an aggravating factor for the purpose of sentencing.

vi. Facilitating access to justice for people of African descent who are victims of racism, by providing the requisite legal information about their rights; and providing legal assistance when appropriate.

vii. Preventing and punishing all human rights violations affecting PAD, including violence, acts of torture, inhuman or degrading treatment, including those committed by state officials;

viii. Ensuring that people of African descent, like all other persons, enjoy all the guarantees of a fair trial and equality before the law, as enshrined in the relevant international human rights instruments and specifically the right to presumption of innocence, the right to assistance of counsel and to an interpreter; the right to an independent and impartial tribunal, guarantees of justice, and all the rights to which prisoners are entitled;

ix. Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies and noting that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed and calling on those that have not yet expressed remorse or presented apologies to find some way to contribute to the restoration of the dignity of victims;

x. Inviting the international community and its members to honour the memory of the victims of these tragedies with a view to closing those dark chapters in history and as a means of reconciliation and healing. Further noting that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so;

xi.Calling upon all concerned States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices bearing in mind their moral obligations;

b) Special measures

17. The adoption of special measures, such as affirmative action, where appropriate is essential to alleviating and remedying disparities in the enjoyment of human rights and fundamental freedoms affecting people of African descent, protecting them from discrimination and overcoming persistent or structural disparities and de facto inequalities resulting from historical circumstances. As such States should develop or elaborate national action plans to promote diversity, equality, 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.

3. Development

a) Right to development and measures against poverty

18. Consistent with the Declaration on the right to development, States should adopt measures aimed at guaranteeing active, free and meaningful participation by all individuals, including PAD, in development and decision making related thereto and in the fair distribution of benefits resulting therefrom.

19. Recognizing that poverty is both a cause and a consequence of discrimination, States should adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the specific needs and experiences of people of African descent, and also urges that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes;

20. Implementing actions to protect ancestral groups of people of African descent.

b) Education

21. States should take all necessary measures to give effect to the right of people of African descent, particularly children and young people, to free primary education and access to all levels and forms of quality public education without discrimination. States should:

a) Ensure quality education is accessible and available in areas where communities of African descent live, particularly rural and marginalized communities, with attention to improving the quality of public education;

b) Take measures to ensure that public and private education systems do not discriminate against or exclude children of African descent, and that they are protected from direct or indirect discrimination, negative stereotyping, stigmatization and violence from peers or teachers. To this end, training and sensitization should be provided to teachers and measures should be taken to increase the number of teachers of African descent working in educational institutions.

c) Employment

22. States should take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against [all workers of African descent, including migrants of African descent] [all workers in particular people of

African descent, including migrants], and ensure the full equality of all before the law, including labour law, and further urges States to eliminate barriers, where appropriate, to: participating in vocational training, collective bargaining, employment, contracts and trade union activity; accessing judicial and administrative tribunals dealing with grievances; seeking employment in different parts of their country of residence; and working in safe and healthy conditions.

d) Health

23. States should take measures to improve access to quality health services to People of African descent

e) Housing

24. Recognizing the poor and insecure housing conditions in which many people of African descent live, States should develop and implement policies and projects as appropriate aimed at inter alia ensuring that they gain and sustain a safe and secure home and community in which to live in peace and dignity.

4. Multiple or aggravated discrimination25. Adopting and implementing, policies and programmes which provide effective protection for and review and repeal all policies and laws that could discriminate against people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status.

26. Mainstreaming a gender perspective in designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent, including in the area of sexual and reproductive rights and ensuring adequate access to maternal health care.

B) Regional and international level

1. Steps to be taken by the international community, international and regional organizations

27. The international community, international and regional organizations, in particular relevant United Nations programmes, funds, specialized agencies and other bodies; international financial and development institutions; regional organizations and other international mechanisms within their areas competence should give high priority to programmes and projects specifically tailored for combating racism and racial discrimination against people of African descent, taking fully into account the Durban Declaration and Programme of Action, the Outcome document of the Durban Review Conference, the International Convention on the Elimination of All Forms of Racial Discrimination and the Political Declaration on the Tenth Anniversary of the DDPA, and among others they should:

a) Take measures to raise awareness about the International Decade, including through awareness raising campaigns, and organizing and supporting other activities, bearing in mind the Theme of the Decade;

b) Continue disseminating widely the Durban Declaration and Programme of Action and the Outcome document of the Durban Review Conference, and the Political Declaration on the Tenth Anniversary on the DDPA;

c) Continue raising awareness about the ICERD;

d) Assist States in the full and effective implementation of the obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination, and in ratifying or acceding to the Convention, with a view to attain its universal ratification;

e) Assist states in the full and effective implementation of their commitments under the DDPA;

f) Incorporate human rights into development programmes including in the areas of access and enjoyment of the rights to education, employment, health, housing, land and labour;

g) Assign particular priority to the projects devoted to the collection of statistical data;

h) Support initiatives and projects aimed at honouring and preserving the historical memory of people of African descent;

i) Use the Decade as an opportunity to engage with people of African descent on issues of **[their concerns] [reparation and reconciliation for slavery, the slave trade and the transatlantic slave trade in captured African people]** and to this end, ensure the participation of, and consultation with NGOs, other stakeholders and civil society at large;

j) In planning activities for the Decade, examine how existing programmes and resources might be utilized to benefit people of African descent more effectively;

k) Give due consideration to the goals and objectives aimed at the elimination of racism, racial discrimination, xenophobia, and related intolerance against people of African descent in the United Nations discussions on the Post 2015 Development Agenda.

2. Steps and measures to be taken by the General Assembly are as follows:

a) Appointing the United Nations High Commissioner for Human Rights to act as Coordinator of the Decade, in order to follow up on the implementation of the activities in the framework of the Decade;

b) Requesting the Secretary-General to present annually a progress report on the implementation of activities of the Decade, taking into account information and views provided by States, relevant human rights bodies, organs and mechanisms of the United Nations, specialized agencies, funds and programmes; international, regional, sub-regional and non-governmental organizations, including organizations of people of African descent, national human rights institutions and other stakeholders;

c) Requesting the United Nations Department of Public Information, in collaboration with UNESCO, the OHCHR, and regional and sub-regional organizations to launch an awareness-raising campaign to inform the general public of the histories, contributions, including to the global development, challenges, contemporary experiences and human rights situation of people of African descent.

d) Encouraging issuance of a stamp by the United Nations postal administration on the International Decade for people of African descent,

e) Inviting regional and sub-regional organizations, the specialized agencies, the United Nations programmes, funds and offices to develop studies, in their respective areas of competency and expertise, and to report on the themes of the Decade. Such studies could be used to inform a mid-term review of the Decade to monitor the progress made, share learning practices among key actors and inform plans and policies for the remaining five years of the Decade and beyond;

f) Requesting the Office of the High Commissioner for Human Rights to continue and strengthen its fellowship programme for people of African descent during the Decade;

g) Requesting the Office of the High Commissioner for Human Rights to include a section on the Anti-discrimination Database on the International Decade for people of African descent,

[h Requesting the [Working Group of Experts on people of African descent] [Ad Hoc Committee] [IGWG] with the inputs of other UN bodies and Durban follow up

mechanisms] to prepare elements for the attention of the Member States for their further consideration with an aim to elaborate the draft UN declaration on the promotion and full respect of human rights of people of African descent.

[h alt. Requesting states to consider adopting measures to further promote and protect the human rights of people of African descent as enshrined in the international human rights instruments, including through the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of African descent.]

[h alt. 1: delete h]

(i) Establishing, a United Nations permanent forum on people of African Descent to serve as a consultation mechanism and with a view to achieving better synergy, coordination, complementarity and coherence in the work of Durban follow-up and with other relevant United Nations mechanisms on issues of people of African descent.]

[i alt. "Requesting States to consider providing / Requesting the UN General Assembly / the Human Rights Council to establish a forum for people of African descent to serve as a consultation mechanism for States, civil society organizations of people of African descent and other stakeholders.]

[i alt.1. Requesting States to consider providing a forum for people of African descent to serve as a consultation mechanism for States, civil society organizations of people of African descent and other stakeholders, based on the existing mechanisms of the Human Rights Council.]

[i alt. 2: delete i]

j) Requesting the United Nations High Commissioner for Human Rights, to further increase and strengthen support to the relevant mechanisms of the Human Rights Council in combating racism, racial discrimination, xenophobia and related intolerance in the context of the Decade.

k) Encouraging all States, intergovernmental and non-governmental organizations, private institutions and individuals as well as other donors in a position to do so, to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination with a view to contribute to the successful implementation of the Programme,

1) Requesting the Secretary-General to accord high priority to executing the programme of activities for the Decade, and to allocate predictable funding from the regular budget and extra-budgetary resources of the United Nations for the effective implementation of the Programme of Action and Activities under the International Decade.

m) Keeping the Decade under review, and convening a mid-term review to take stock of the progress made and decide on further necessary actions.

n) Convening a final assessment of the Decade to take place within the framework of a high-level international event, marking the closure of the International Decade for people of African descent.

o) Ensuring the completion of the construction and the inauguration, before the Mid-Term Review in 2020, of a permanent memorial at the United Nations headquarters in NY to honour the memory of victims of slavery and trans-Atlantic slave trade. Annexes

Annex I: List of attendance

-Member States

Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Brazil, Chile, China, Colombia, Cuba, Bolivarian Republic of Venezuela Bulgaria, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Iceland, India, Indonesia, Iraq, Ireland, Islamic Republic of Iran, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Namibia, Netherlands, Norway, Pakistan, Poland, Portugal, Qatar, Republic of Korea, Former Yugoslav Republic of Macedonia, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

-Non-Member States represented by observers

Holy See, State of Palestine.

-Intergovernmental Organizations

African Union, Council of Europe, European Union, Organization of the Islamic Conference.

-Non-governmental organizations in consultative status with the Economic and Social Council

Action International pour La Paix et Le Développement Grand lacs (CAIPD-GL), Association of World Citizens, Commission Africaine des des Promoteurs de la Sante et des droits de l'Homme (CAPSDH), Indigenous Peoples and Nations Coalition, International Council for Human Rights, Indian Council of South America, International Committee for the Respect and Application of the African Charter on Human and People's Rights /ICRAC, International Youth and Students Movement for UN, Socialist International Women, Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), UN Watch. Annex II: Programme of work