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## Third Committee

### Summary record of the 37th meeting

Held at Headquarters, New York, on Tuesday, 31 October 2017, at 10 a.m.

*Chair:* Mr. Gunnarsson . . . . . (Iceland)

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance**

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (A/72/18 and A/72/291)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (A/72/285, A/72/287, A/72/319, A/72/323 and A/72/324)

**Agenda item 71: Right of peoples to self-determination** (A/72/286 and A/72/317)

1. **Ms. Lu Hui** (Chief of the Intergovernmental Affairs, Outreach and Programme Support Section, Office of the United Nations High Commissioner for Human Rights (OHCHR)) introduced the note by the Secretariat on the Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action (A/72/285). She said that the experts had participated in the fourteenth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in October 2016, and that two nominations had been received with a view to filling existing vacancies in the Group.

2. Introducing the report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent (A/72/323), she said that the programme focused on the promotion and protection of the rights of women and girls of African descent. Good practices and recommendations for the improvement of their human rights situation were highlighted throughout the report, and its recommendations included the establishment of a legislative and policy framework to mainstream an intersectional gender perspective for public policies.

3. Turning to the report of the Secretary-General on a global call for action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/72/324), she said that the report included discussion of the legislative and administrative framework, the role of national mechanisms and measures of prevention, education and protection, inter alia. Worrying trends had developed over the past few years of increasingly hostile racist and xenophobic attitudes and violence. Commitment to intercultural dialogue, tolerance and respect for diversity was essential to make progress in that regard.

4. Introducing the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/72/317), she said that it contained a summary of discussions and decisions relating to the realization of the right to self-determination in the framework of the activities of the main United Nations bodies and human rights mechanisms. The effective implementation of the right to self-determination would contribute to greater enjoyment of human rights, peace and stability, and thereby prevent conflict.

5. **Mr. Gumede** (Chair of the Working Group of Experts on People of African Descent), introducing the report of the Working Group (A/72/319), said that its nineteenth session, held in November 2016, had been a closed meeting on analysis of the progress made in the implementation of the Working Group's mandate. Its twentieth session, held in April 2017, had been a public meeting focused on the theme "Leaving no one behind: people of African descent and the Sustainable Development Goals". During the reporting period, the Working Group had also made visits to Canada and Germany and had been satisfied by the willingness of both Governments to engage in dialogue, cooperate and commit to action to combat racial discrimination and implement its human rights recommendations. The reports on the visits to Canada and Germany had been submitted to the Human Rights Council at its thirty-sixth session as documents A/HRC/36/60/Add.1 and A/HRC/36/60/Add.2, respectively.

6. The Working Group continued to send communications regarding allegations of human rights violations falling within its mandate and was grateful to States which had provided information and taken action to address issues of concern. It had issued numerous media statements, including joint statements with other mandates, on issues such as racial profiling, incitement to racial hatred and killings, and had increased its engagement with financial and development institutions. Civil society had contributed significantly to the work of the Working Group by monitoring the situation on the ground and reporting common manifestations of structural racism, racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent.

7. He reminded Member States of the commitments they had made to people of African descent in the Durban Declaration and Programme of Action. Although he welcomed the increased focus on issues faced by Afro-descendants as a result of the International Decade for People of African Descent and the forthcoming regional meeting for Europe, Central Asia and North America, additional actions were needed to address the extreme violence, racial bias and hatred

that people of African descent continued to face. Member States must tackle the root causes of racial discrimination in an honest debate about history and its connection to modern-day racism. Moreover, all Member States and stakeholders should use the opportunity of the International Decade for People of African Descent to intensify efforts to respect, protect, and fulfil the human rights of people of African descent. They should also urgently seek to reach consensus on the forum for people of African descent so that it could be held as soon as possible.

8. **Ms. Diedricks** (South Africa) said that efforts to remove obstacles for people of African descent and establish a new economic order based on non-discrimination should be grounded in the Durban Declaration and Programme of Action. Member States which failed to tackle the persistent structural racism faced by Afro-descendants would imperil the achievement of the Sustainable Development Goals and the goal of leaving no one behind. The forum for people of African descent was crucial in that regard as a consultative mechanism that brought together people of African descent, Member States and other stakeholders. Noting the importance of disaggregated data, he asked what added value racial equality indexes would bring to efforts to eradicate racial discrimination.

9. **Ms. Wacker** (Observer for the European Union) said that the focus during the Working Group's twentieth meeting on linkages between people of African descent and the Sustainable Development Goals was timely and that the discussions on Goals 1, 3, 4, 5, 10 and 16 had highlighted the need to address the intersectionality of different forms of discrimination. It would be useful to receive more details on the development of operational guidelines on how to prioritize people of African descent at all stages of implementation of the Goals. Following the recent renewal of the Working Group's mandate, she asked what topics the Working Group would focus on in its future thematic reports.

10. **Ms. Moutchou** (Morocco) said that her delegation appreciated the crucial topics raised under the banner of the International Decade for People of African Descent, but was alarmed that people of African descent continued to be subjected to racism, in part due to an alarming resurgence in extremist nationalist and populist ideologies. She would appreciate further information on the status of the voluntary contribution fund established to allow more people of African descent to take part in public sessions of the Working Group. She asked what progress the Working Group had made in agreeing on a definition of persons of African descent. Lastly, what was the current feeling of the

international community concerning the drafting of a United Nations declaration on the rights of persons of African descent?

11. **Mr. de Souza Monteiro** (Brazil) said that people of African descent were disproportionately affected by poverty and inequality in all countries in which they made up a significant population, irrespective of the country's development status. Promoting the sustainable development of such groups should thus be a priority in efforts to leave no one behind. While his delegation welcomed the focus of the Working Group on the link between people of African descent and the Sustainable Development Goals, he asked how analysis of that important topic could be continued in the future. He also requested further details on how States and international agencies, funds and programmes could step up engagement with the Working Group, including at the upcoming high-level political forum on sustainable development.

12. **Mr. de la Mora Salcedo** (Mexico) said that the Sustainable Development Goals and the International Decade for People of African Descent offered outstanding opportunities for adopting specific measures to promote the human rights of Afro-descendants. He would be grateful for examples of programmes under the 2030 Agenda for Sustainable Development and the International Decade for People of African Descent specifically tailored to combating racial discrimination and structural racism against people of African descent. Mexico currently allowed indigenous persons and people of African descent to identify themselves as such in its census. In the future, a plan of action to support Afro-descendants would involve them in the drafting process. He inquired about the minimum standards that should be followed to measure the inclusion of Afro-descendants in similar initiatives.

13. **Mr. Gumedze** (Chair of the Working Group of Experts on People of African Descent) said that racial equality indexes were extremely useful for providing disaggregated data, so that programmes could be focused on improving the situation of Afro-descendants. The operational guidelines developed by the Working Group would soon be field tested in various States. The Working Group would adopt the topics for its future thematic reports at its next meeting in Geneva in November 2018. Although its work was guided by the Durban Declaration and Programme of Action and the International Decade for People of African Descent, he hoped that Member States would soon reach consensus on the establishment of the forum for people of African descent.

14. In response to questions on the Sustainable Development Goals, he said that the Goals could not be achieved without making Afro-descendants central to the national planning process. He encouraged Member States to use the operational guidelines to involve people of African descent at all stages of implementation of the Goals.

15. **Mr. Rona** (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination), introducing his report (A/72/286), said that the Working Group had devoted considerable attention over the previous 10 years to advocating improved regulation of the private military and security industry and ensuring accountability for human rights violations committed by the personnel of those sectors. Although much discourse had focused on the violations by States of the human rights of prisoners and detainees, the report highlighted the need to prevent human rights abuses by non-State entities carrying out services that were traditionally provided by the State. In private facilities, the maximization of profit and return on shareholder investment was not compatible with respect for the rights of detainees to humane treatment and conditions, including nutrition, health care, recreation and rehabilitation. In some countries, the influence of the powerful industry of private prison operators over those who made and administered the law had resulted in increased rates of incarceration and greater reliance on private companies to operate prisons and detention facilities.

16. When public services were outsourced to private corporate entities, there were often questions regarding responsibility and accountability for human rights violations under international human rights law. States were obligated not only to respect their human rights commitments, but also to ensure respect by those within their jurisdiction, including private prison operators. A range of human rights instruments and related institutions provided protection for those deprived of their liberty, requiring that they be treated with humanity and with dignity in a non-discriminatory manner. Although the State ultimately had the obligation to respect, protect and promote those human rights, the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework clearly supported the idea that non-State actors, including business entities, must comply with international human rights standards and obligations. The Human Rights Committee had clarified that the obligation of States in relation to the rights of prisoners also extended to private institutions.

17. **Mr. de la Mora Salcedo** (Mexico) said he agreed that people imprisoned in institutions managed by private companies were more vulnerable than those in State-run prisons. He proposed that the Working Group should send the recommendations contained in the report to the Secretary-General of the intergovernmental conference to adopt a global compact for safe, orderly and regular migration so that they could be incorporated into the global compact. As the report did not contain references to citizens’ rights to consular services, he asked what Member States could do to strengthen consular powers to protect the human rights of detainees.

18. **Ms. Wacker** (Observer for the European Union) said that although the Working Group’s mandate included work on issues relating to mercenaries, for which there was a clear and universal definition under international humanitarian law, it had caused confusion by extending its mandate to cover private military and security companies. The European Union recognized the dangers of contemporary forms of mercenary activity as well as the deeply negative impact that they could have on the length and nature of armed conflicts, and it was concerned about any potential links to terrorist activities. For a number of years, it had argued that the Working Group would be more effective if its mandate focused more clearly on the specific issue of mercenaries. The European Union was committed to raising standards in the legitimate global private security industry, which provided essential services to public and private sector clients and supported diplomatic, commercial and humanitarian activity in complex environments around the world.

19. **Ms. Jones** (United Kingdom) said that her delegation had previously expressed concern about the extension of the Working Group’s mandate to encompass private military and security companies and once again called on it to restrict its focus to the specific issue of mercenaries. Whether publicly or privately operated, all United Kingdom prisons and immigration centres were subject to the same independent inspection processes and human rights laws.

20. **Mr. Rona** (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination), replying to the representative of Mexico, said that the Working Group would follow up on his very useful suggestion of forwarding its recommendations to the Secretary-General of the intergovernmental conference on international migration. Regarding failures of consular notification, he understood the connection and Mexico’s particular concern, but he did not know if strengthening the right

of consular notification was within the Working Group's mandate and would need to discuss the matter with the other members.

21. With respect to the repeatedly raised concern that the Working Group had created confusion by expanding its mandate, he noted that private military and security companies had always been a part of that mandate, and their inclusion was not confusing at all. Private military contractors performed many of the same functions as mercenaries and presented many of the same human rights risks. Private security contractors carried out sensitive tasks that were traditionally State functions but which often fell through jurisdictional cracks in the absence of international regulatory mechanisms.

22. **Ms. Crickley** (Chair of the Committee on the Elimination of Racial Discrimination) said that a global toxic discourse was still fanning the flames of racial discrimination. Despite the significant legal progress made since the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965, States still needed to implement special measures in order to create the social and economic conditions required for the full realization of human rights. With respect to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, protection from racial discrimination should also be extended to non-citizens of the European Union and to migrants.

23. In the course of the year, the Committee on the Elimination of Racial Discrimination had seen racist legacies all too clearly in discrimination against Afro-descendent and indigenous peoples. It had become increasingly concerned about incitement to hatred in the context of migration and about racial profiling, including the targeting of migrants and Muslims in national security procedures. It had again noted the trend towards avoiding the term "racism", which was an internationally recognized form of discrimination for which data was collected. The use of other terms, such as "xenophobia", left victims without any form of redress.

24. Despite the generosity of many countries, migrants were being abused by State and non-State actors in countries of origin, transit and destination. Practices reported to the Committee included arbitrary detention, hate speech, racial profiling, human trafficking, refoulement and denial of access to basic services. The failure of some States to denounce such violations increased the atmosphere of impunity.

25. Racism and gender discrimination intersected to make minority women particularly vulnerable to human

rights abuses. In the context of periodic reviews, the Committee had urged States parties to study the root causes of human rights abuses affecting minority women and to adopt targeted measures to address them. It had advised States to take steps to stop the labour exploitation and abuse of women migrant workers, particularly domestic workers, and to enhance the protection of those women against exploitation and abuse, including sexual abuse. It had also called on States parties to provide specific attention and protection measures for women migrant victims of trafficking and sexual and gender-based violence.

26. The Committee had urged States parties to take effective measures to uphold the principle of non-refoulement without discrimination, to halt racist speech and violence against migrants and refugees, to hold perpetrators accountable and compensate victims, and to outlaw organizations, including political parties, that promoted racial discrimination. Furthermore, in its statement on the occasion of the high-level plenary meeting on addressing large movements of refugees and migrants, it had called on Member States to develop a human rights-based framework for migration when negotiating the global compacts on refugees and migration, and it had since been an active participant in that process.

27. The Committee had continued to address the situation of Roma and Travellers in its concluding observations. It was concerned that the European Union framework for national Roma integration strategies up to 2020 had had little impact on the lives of the Roma owing to the lack of political will, underfunding or failure to engage in genuine consultation with the Roma concerned. Indigenous peoples continued to suffer historic injustices, and the Committee had called on States parties to address those injustices comprehensively, with the genuine participation of the peoples affected, and to comply with the principle of free, prior and informed consent.

28. At a time when some political leaders used hate rhetoric or failed to condemn racist attacks unequivocally, she called on Governments and high-level politicians not only to reject and condemn racist hate speech and crimes but also to contribute actively to the promotion of understanding, inclusiveness and diversity. Furthermore, States should foster social and economic environments where migrants and refugees were treated as equals. They should also prohibit officials from engaging in racial profiling, take special measures to eliminate it and avoid policies and programmes that could give rise to it.

29. In January 2017, Sao Tome and Principe had become the 178th State party to the Convention. She appealed to all of the remaining 11 States to ratify it, and particularly to Myanmar, where human rights violations being committed against the Rohingya had been described as ethnic cleansing.

30. Since its most recent annual report, the Committee had held three sessions and considered 20 reports and 13 follow-up reports. Under its early warning and urgent action procedure, it had issued a number of decisions and letters, mainly involving infringement of the land rights of indigenous peoples and violations of the human rights of minority groups, including excessive use of police force, arbitrary detention, hate speech and violence. It had continued to implement the simplified reporting procedure, which it had recently begun to offer to States whose reports were more than five years overdue. It had continued to seek out good practices for strengthening its working methods, including by piloting the task force/co-rapporteurs method, and it had held bilateral meetings with the Committee against Torture and the Committee on the Rights of Persons with Disabilities in order to improve collaboration and further harmonize working methods.

31. The Committee on the Elimination of Racial Discrimination was grateful for the support of national human rights institutions and civil society organizations. At its ninety-first session, it had held a very successful seminar with civil society organizations to discuss innovative ways to combat racial discrimination, including the use of social media.

32. The Committee had deployed extensive efforts to support States in combating racial discrimination. It had discussed hate speech and racial profiling with delegations and in its concluding observations, and it had emphasized prevention through an increasing number of decisions and letters to States under the early warning and urgent action procedure. However, the Committee's capacity to address the challenges she had described depended on the allocation of adequate resources. She appealed to Member States to address the current situation, which threatened the very existence of the treaty body system.

33. **Ms. Wacker** (Observer for the European Union), reiterating the European Union's deep concern at the rise in racism around the world, said that it firmly condemned all acts of racism and urged all States to do the same. The Convention remained the main international instrument for combating racism in all its forms and at every level, thanks in part to the Committee's ability to address emerging issues. The European Union joined with the Committee in

encouraging universal ratification and also encouraged all States parties to consider recognizing the Committee's competence to receive communications. Noting with regret that the Committee had the highest number of overdue reports, she encouraged it to offer the option of simplified reporting to all States parties. Her delegation was also interested to hear the Chair's assessment of the effectiveness of the early warning and urgent action procedure.

34. **Mr. de Souza Monteiro** (Brazil), recalling that the Committee had been the first treaty body established, said that its pioneering activity had been fundamental to the creation of the multilateral human rights system. He asked what could be done to diminish reporting fatigue, as well as to promote better coordination between the treaty bodies, rapporteurs and working groups dealing with racial discrimination.

35. **Mr. Kelly** (Ireland), noting the two decisions adopted under the early warning and urgent action procedure, said that they were a tangible sign of how racial discrimination and associated issues remained an ongoing challenge. He asked the Chair to identify any political, social or economic trends that were driving racism and other forms of intolerance. He would also like to know how the treaty reform process could be used to strengthen and improve the Committee's work.

36. **Mr. Maan** (Iraq) said that the Constitution of Iraq enshrined the principle of equality of all Iraqis and prohibited all forms of discrimination on the grounds, *inter alia*, of gender, race, nationality, origin, colour, religion, sect, belief or opinion. It also affirmed the right of all Iraqi men and women to participate in public affairs and exercise their political rights.

37. His Government strove to uphold the rights of all Iraqis and, to that end, endeavoured to address the needs of all sectors of Iraqi society in its development plans and programmes. Educational curriculums stressed the importance of accepting others and respecting diversity, and health-care services were provided to all Iraqi citizens on a non-discriminatory basis. His Government was, moreover, striving to appoint suitably-qualified individuals from all the communities that made up Iraqi society to senior positions of responsibility in the country.

38. Conscious of the fact that many civilians living in areas controlled by terrorist groups in Iraq had been subjected to the most hideous forms of discrimination and sectarianism, the Iraqi Government was making every effort to rehabilitate those civilians, combat any further discrimination that might be perpetrated against them by Iraqis from other parts of the country, and facilitate their full reintegration into society. In closing,

he underscored that Iraq was a multinational, multireligious and multiracial country, whose strength stemmed from its religious, cultural and ethnic pluralism.

39. **Ms. Myo** (Myanmar) said that her country's multiple ethnic and religious communities had a long history of peaceful coexistence. In some parts of Rakhine, the ethnic Rakhine community was a minority in its own state, and the Rakhine risked becoming further marginalized. The State Counsellor had requested all parties to refrain from using the terms "Rohingya" and "Bengali" to avoid fuelling tensions, but the situation had become excessively politicized. Myanmar was committed to implementing the recommendations of the Advisory Commission on Rakhine State. No country had a perfect human rights record. The transition to democracy meant changing not only the system but also the mindset of the people, a long and difficult process which would require the support and understanding of friendly nations.

40. **Ms. Moutchou** (Morocco) said that Morocco firmly condemned racism in all its forms and manifestations, as well as the countless assaults on the human rights of migrants and their depiction as a national security threat. Under the first migration policy in Africa, Morocco had regularized more than 25,000 undocumented migrants in a first regularization campaign and had begun a second campaign in 2016. Her delegation would like to know what opportunities the 2030 Agenda presented for ending racism and related phenomena. It would also like to know how the Chair rated the effectiveness of the monitoring mechanisms.

41. **Mr. Lukiyantsev** (Russian Federation) said that universal ratification of the Convention was an important goal. Nevertheless, reservations to the Convention, especially to article 4, seriously hindered its overall effectiveness. It would be interesting to know whether the Committee planned to carry out information campaigns or other awareness-raising measures to encourage the withdrawal of existing reservations and to ensure that future States parties to the Convention did not make reservations.

42. **Ms. Crickley** (Chair of the Committee on the Elimination of Racial Discrimination) said that the Committee was indeed concerned about the issue of reservations, in addition to universal ratification and regular reporting by States that had ratified the Convention. It also urged States to avail themselves of the possibility of individual communications under article 14 of the Convention. With regard to the 2030 Agenda, it had been active in defining the Sustainable Development Goals, and it continued to engage in the

efforts to achieve them. Despite the Committee's focus on Goal 10, it was committed to addressing racism across all of the Goals. It had made submissions jointly and separately to the high-level political forum in 2017, and it would continue to do so.

43. The Committee had issued two decisions in August: one calling on the highest political authorities of the United States to unequivocally condemn the white supremacist actions in Charlottesville, and the other about ethnic profiling in northern Nigeria. The Committee's decisions were not made lightly or often, and they were the result of a consensus process from which members from the country in question voluntarily excluded themselves. As to the impact of current political, social and economic trends, some had further marginalized large groups of people. Not all suffered from racial discrimination, but racial discrimination had been used by the powerful to pit different marginalized groups against each other.

44. Responding to the representative of Myanmar, she agreed that no country was free from racial discrimination and that Myanmar was grappling with a very sensitive situation during a period of political transition. However, it was in Myanmar's interest to ratify the Convention so that it could move forward in creating a democratic arena in which all of its peoples could legitimately participate.

45. With respect to women migrants, she saw a need for a global perspective that embraced not only women migrants from sub-Saharan Africa, but also, for example, women working as contract labourers in other parts of the world.

46. The early warning and urgent action procedure was important. With regard to reporting fatigue, the two-year reporting cycle was a contributing factor. That said, while human rights treaty bodies should facilitate the reporting process, the States parties had agreed to comply with the provisions of various conventions, including their reporting obligations, and compliance required energy and effort. More than 50 years after the adoption of the Convention, it should not be necessary to talk about breaches of very basic provisions. Enacting a law was not enough. The law must be followed by special measures and additional procedures, including very explicit education procedures.

47. A comprehensive human rights framework required resources. It also required the treaty bodies themselves to engage directly and efficiently with each other, which the Committee was already doing, as well as with States and other stakeholders.

48. **Mr. García Paz y Miño** (Ecuador), speaking on behalf of the Group of 77 and China, said that, in the context of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Declaration and Programme of Action remained the only instrument that prescribed comprehensive measures for combating racism and addressing adequate remedies for victims.

49. The Group of 77 and China opposed all forms of racism, racial discrimination, xenophobia and related intolerance, as they constituted serious human rights violations and must be countered through political and legal means. It was also deeply concerned about the resurgence of contemporary forms of discrimination and intolerance, as well as the growing incitement of hatred and of racial profiling and stereotyping of any persons on any grounds. The Group condemned the propagation of such acts through new communications technology, the Internet and the media. Education and awareness-raising campaigns played a critical role in halting the dissemination of messages of racism and racial discrimination. The focus should be on deconstructing prejudices and stereotypes, creating new values and attitudes, fostering interfaith and intercultural dialogue towards tolerance and unity, and raising global awareness of different cultures and religions, especially among young people. There was an urgent need for effective measures and policies that encouraged all citizens and institutions to take a stand against racial discrimination.

50. Political and religious leaders, as well as the media, must play an important role in combating hate speech and stereotypes, and adopt clear and unequivocal positions against racial discrimination. In that context, the Group noted a lack of progress in the elaboration of complementary standards to cover existing gaps in the provisions of the Convention.

51. The Group welcomed the programme of activities for the implementation of the International Decade for People of African Descent, including the establishment of a forum for people of African descent to serve as a consultation mechanism, and the elaboration of a United Nations draft declaration on the promotion and full respect of human rights of people of African descent.

52. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that his multi-ethnic and multi-cultural region recognized the added value of diversity in its societies. Sustainable development could only be achieved if it benefited all people, regardless of race or ethnicity.

53. CELAC rejected all forms of racism, xenophobia and discrimination and related intolerance, including against migrants, regardless of migratory status. It was committed to observing the International Decade for People of African Descent, with a view to enabling people of African descent to exercise the human rights and fundamental freedoms recognized in the Universal Declaration of Human Rights, and also reiterated its support for the establishment of a forum for people of African descent in the framework of the Human Rights Council.

54. Racism was a global concern, and the international community must contribute fully to its eradication. Racism, racial discrimination, xenophobia and related intolerance continued to hinder the enjoyment of civil, political and cultural rights, including the right to development. Human rights education and the respect and promotion of cultural diversity were paramount in preventing and eliminating racism and racial discrimination.

55. In addition, among people of African descent, special attention should be given to children, women, older persons, persons with disabilities and victims of multiple or aggravated forms of discrimination. CELAC recognized the need to take affirmative action to reduce and remedy disparities and inequalities affecting such persons; accelerate their social inclusion; close gaps in their access to education or employment; and promote their access to justice. CELAC was committed to strengthening cooperation with Member States to implement the Plan of Action for the Decade for People of African Descent of Latin America and the Caribbean, in accordance with the agreements reached through the International Decade of People of African Descent of the United Nations.

56. **Ms. Carey** (Bahamas), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM appreciated the increased focus on the human rights situation of women and girls of African descent, who continued to suffer disproportionately high poverty rates and faced barriers to education, health services and political participation. Member States were encouraged to adopt policies that provided effective protection for women and girls of African descent in line with the Secretary-General's findings in his report on the programme of activities for the implementation of the International Decade for People of African Descent (A/72/323). Additionally, policies and laws that discriminated against people of African descent facing multiple forms of discrimination on other grounds should be reviewed and repealed to protect the victims and to uphold the principles of the rule of law, democracy and social justice. The forum for people of



African descent should be held as previously agreed and would provide an opportunity to engage with people of African descent on effective measures to reverse the consequences of slavery.

57. As Member States implemented the 2030 Agenda, they must make every effort to ensure that racial and ethnic minorities, who were often the most vulnerable and disadvantaged members of society, were stakeholders in the sustainable development process and received adequate attention in the design and implementation of all relevant programmes and initiatives.

58. The intellectual legitimization of racism and xenophobia by scholars and the media and the resurgence of hate groups and proponents of extremist political ideologies were a cause of concern. While the rights to freedom of expression and the right to freedom of association and assembly should be respected, States should ensure that discrimination, racism and xenophobia did not take root. The successful completion of the Ark of Return, a permanent memorial at the United Nations Headquarters honouring the victims of slavery and the Transatlantic Slave Trade, represented the international community's collective will to combat all forms of racism, wherever they persisted, and was a solid reminder of a dark past.

59. **Ms. Diedricks** (South Africa), speaking on behalf of the Southern African Development Community, said that urgent international action was needed to address the rise of extremist movements based on populism, nationalism and racial superiority. In that connection, it welcomed the recent decision of the Human Rights Council to commence negotiations on standards recognizing the existence of contemporary manifestations of racism, in the spirit of paragraph 199 of the Durban Declaration and Programme of Action. By addressing, inter alia, xenophobia, Islamophobia, racial profiling, anti-Semitism and incitement to hatred, such standards would ensure maximum protection, adequate remedies for victims and zero impunity for perpetrators.

60. The countries of the Community urged Member States to work towards universal ratification of the Convention and to lift any reservations, in particular to article 4, since they defeated the purposes of the Convention. They continued to support the establishment of a forum for people of African descent, as well as the drafting of a declaration on the promotion and full respect of human rights of people of African descent, which would enhance implementation of the programme of activities for the International Decade for People of African Descent and provide a platform for the attainment of substantive equality for people of

African descent. They urged States with citizens of African descent to offer to host regional conferences on establishing the forum, with the participation of people of African descent. Under international human rights law, the international community had an obligation to adopt concrete measures to foster tolerance and respect for diversity.

61. **Mr. Jelinski** (Canada), speaking also on behalf of Australia, Iceland, Lichtenstein, New Zealand, Norway and Switzerland, said that racism, racial discrimination, xenophobia and related intolerance must be addressed with conviction at the national, regional and global levels and called for universal adherence to and full implementation of the Convention.

62. All human beings were born free and equal in dignity and rights and were members of one diverse human family. The persistent scourge of racism rejected that truth, eating away at the foundations of society, presenting generations of its victims with barriers to housing, education, employment and social services and holding back progress for all.

63. Governments could promote inclusion, but individual and collective action was needed to uproot racism from hearts and minds. Inclusion meant more than an end to racial discrimination, just as peace was more than a ceasefire. By embracing a positive ideal of an inclusive society where differences were respected and celebrated, all people would be able to share in the fruits of peace, security, justice and prosperity.

64. **Ms. Wacker** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the fight against racism, racial discrimination, xenophobia and related intolerance was closely intertwined with the prohibition of discrimination on any ground. The European Union honoured its international commitments under the Charter of the United Nations and the Convention and had developed a robust legal framework that included the European Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, which encompassed all fields of activity and mandated the States members of the European Union to establish specialized bodies for the promotion of equal treatment. Members were obliged to criminalize hate speech and consider the racist and xenophobic motivation of any crime as an aggravating circumstance when determining the penalties to be applied. European Union legal

provisions on victim rights also paid specific attention to victims of crimes committed with a bias.

65. The European Commission rigorously monitored the transposition and implementation of such legislation by its members and supported national authorities and civil society in enforcing the law more effectively, in particular through the European Union High Level Group on combating racism, xenophobia and other forms of intolerance. In addition to addressing antisemitism and anti-Muslim hatred through the efforts of specially-appointed coordinators, the European Commission was seeking to increase the number of information technology companies committed to upholding the Code of Conduct on countering illegal hate speech online and was working with those companies to improve transparency.

66. The European Union had taken an active part in the Durban follow-up mechanisms by extending open invitations to the Working Group of experts on people of African descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Noting with approval that the meeting days of the forum for people of African descent would be taken from the meeting days allocated to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, she reaffirmed that increasing the number of meeting venues, days and legal instruments was not the best way to combat racial discrimination. The Convention was the preeminent international reference instrument embodying the international community's shared norms and standards. The European Union agreed with an earlier assessment by the Committee on the Elimination of Racial Discrimination that the Convention's substantive provisions were sufficient to combat racial discrimination in contemporary conditions.

67. The European Union had aligned its development policy with the 2030 Agenda for Sustainable Development. The pledge to leave no one behind was highly relevant for the fight against racism, as those who experienced racial discrimination were often the ones left behind. While development efforts should continue to focus on promoting the economic and social rights of women and girls, a gender equality perspective was needed to help young men and boys who experienced more racially-motivated violence, suffered higher suicide rates and were often outperformed by girls with similar indigenous or minority backgrounds. Noting that disaggregating data by indications other than gender and age had proven to be highly problematic, the European Union encouraged a human rights-based approach to data collection that allowed the situation of those most

often subjected to discrimination to be assessed correctly and with flexibility.

68. National human rights institutions and national equality bodies played an important role in promoting human rights through education. There was a need for more awareness among all players of the crucial role that those institutions played in promoting tolerant societies free from racism, racial discrimination and xenophobia and related intolerance.

69. **Mr. Moussa** (Egypt) said that xenophobia, intolerance, racism and discrimination trampled basic human rights and human dignity, thereby posing a threat to international peace and security, development and social stability. They were also incompatible with democracy and the rule of law. The international community must act in concertation to counter their global resurgence by prohibiting the dissemination of racist and xenophobic ideas and preventing the misuse of social media to spread incitement and hatred.

70. In his report on the right of peoples to self-determination (A/72/317), the Secretary-General had noted that all States had an obligation to promote the realization of that right. On the fiftieth anniversary of Israel's occupation of the Palestinian territories, Egypt called on the United Nations to uphold its responsibilities.

71. **Mr. Carabali Baquero** (Colombia) said that diversity enriched all societies and contributed to social cohesion. The Colombian Constitution of 1991 acknowledged that Colombia was multi-ethnic, multilingual and multicultural, and it had close to 30 articles that referred to ethnic groups and their various cultures. It emphasized not only formal equality but also material equality, equality of opportunity and affirmative action to benefit disadvantaged groups. In 2014, Colombia had signed the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.

72. His Government remained committed to implementing the International Decade for People of African Descent, as well as the Plan of Action for the Decade for Persons of African Descent in the Americas. Since 2011, acts of racism or discrimination and harassment on grounds of race, religion, political ideology or ethnic, cultural or national origin had been criminal offences.

73. **Ms. Shiloh** (Israel) said that diversity had been misunderstood and exploited to promote racism, antisemitism, xenophobia and Islamophobia. There was

too much hate and incitement to violence and too many people using their power to divide societies, rather than unite them. Antisemitism had long plagued the Jewish people. Hundreds of thousands of anti-Semitic calls for violent action against Jews had been published online in the preceding year. Big data companies could help fight online racism, but the hearts and minds of people could not be won with technology alone. The key to curbing ignorance and building tolerance was to teach that there was no superior race, religion or culture, but only an all-encompassing humankind. As long as racism continued to threaten society and peace, the only way forward was to teach tolerance in schools, religious institutions and at home.

74. **Mr. Lukiyantsev** (Russian Federation) said that racism, xenophobia and intolerance were continuing to spread around the world. When racist rhetoric was being used to win votes, and mass media and the Internet were awash in racist slogans and extremist ideas, it was irresponsible to claim that freedom of expression had absolute primacy and to do nothing in response, all the while applying double standards to similar situations. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination were required to declare as an offence punishable by law any activity that promoted racism, racial discrimination and xenophobia in accordance with Article 4.

75. The practice of honouring former members of Waffen SS and their collaborators had become common in the heart of Europe, with Nazi sympathizers and war criminals being touted as war heroes and freedom fighters. It was inconceivable that monuments honouring those who had liberated Europe and the world from fascism should be under attack in the very countries whose peoples had experienced the consequences of racial supremacy theories first-hand.

76. The legal framework for fighting racism and racial discrimination that had been established by the Convention, the Durban Declaration and Programme of Action and the Outcome document of the Durban Review Conference should be strengthened as much as possible, including by supporting the work of the Committee on the Elimination of Racial Discrimination. Attempts to limit its authority as established in the Convention, particularly with respect to the settlement of disputes between States parties, were unacceptable.

77. More than 300,000 so-called non-nationals and ethnic minorities in the Baltic region were being subjected to ethnic discrimination and deprived of their fundamental rights and freedoms. Governments in the region were implementing measures that threatened the languages of ethnic minorities, particularly in the field

of education, and Ukraine had followed suit with its own new discriminatory education law. The right of all peoples to self-determination was enshrined in the Charter of the United Nations, human rights instruments and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. A world order where all peoples could choose their political future in accordance with the Charter and international law could only be achieved if their rights were upheld without double standards and independently of the competing interests of individual States and groups of States.

78. **Mr. Habib** (Indonesia) said that intolerance and hatred had often taken horrific forms and resulted in serious consequences. All countries and other stakeholders needed to strengthen their political will to address increasingly hostile racist and xenophobic attitudes and violence that were coupled with a growing misuse of social media and the Internet to spread hatred and intolerance. The full involvement of civil society, academia and mass media, together with intercultural dialogue that encouraged respect for diversity, were fundamental for combatting racial discrimination and related intolerance. Indonesia staunchly supported the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and paragraph 13 of the Outcome Document of the Durban Review Conference, in particular.

79. While States were responsible for formulating policies that were in accordance with international human rights law, everyone was responsible for promoting a culture of peace and tolerance. Islamophobia, the glorification of Nazism and other practices that fuelled contemporary forms of racism should be condemned. Legal, policy and institutional measures to protect all individuals against racism, including in the form of national action plans, should be faithfully observed. He called for an end to racism and stated his country's support for the work of the Working Group of Experts on People of African Descent.

*The meeting rose at 1 p.m.*