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## Third Committee

### Summary record of the 40th meeting

Held at Headquarters, New York, on Monday, 31 October 2022, at 3 p.m.

*Chair:* Ms. Kaczmarek (Vice-Chair) . . . . . (Poland)  
*later:* Mr. Blanco Conde . . . . . (Dominican Republic)

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*In the absence of Mr. Blanco Conde (Dominican Republic), Ms. Kaczmarek (Poland), Vice-Chair, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance** (continued) (A/77/18)

**(a) Elimination of racism, racial discrimination, xenophobia and related intolerance** (continued) (A/77/233)

**(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (continued) (A/77/232, A/77/294 and A/77/333)

**Agenda item 67: Right of peoples to self-determination** (continued) (A/77/265 and A/77/268)

1. **Ms. Shepherd** (Chair of the Committee on the Elimination of Racial Discrimination), introducing the annual report of the Committee (A/77/18), said that the move to digital meetings during the coronavirus disease (COVID-19) pandemic had partially affected the ability of her Committee to review the reports submitted by States parties at its 104th session in August 2021. The Committee had since resumed in-person meetings while also accommodating States' reviews remotely when exceptionally required. During the period covered by the report, the Committee had focused on the persistence and rise of racist hate speech and hate crimes; the situation of minorities, especially people of African descent and Indigenous Peoples, and the situation of migrants, refugees and asylum-seekers.

2. During the COVID-19 pandemic, the Internet had increasingly served as a vehicle for racist hate speech and hate crimes. Social media had been used to accuse specific groups of spreading the virus and to disseminate racist and xenophobic statements by politicians, fuelling racist hatred and violence against national and ethnic minorities and against migrants, refugees and asylum-seekers. Hate speech and hate crimes were often precursors of social conflict. The Committee had consistently called on States to enact legislation prohibiting hate speech and hate crimes, to set up adequate mechanisms to counter them on the Internet and social media, to receive and rapidly investigate complaints, and to punish those found to be responsible.

3. The Committee had closely followed the situation of people of African descent, Indigenous Peoples and other minorities. It remained concerned about the obstacles that minorities continued to face for the

enjoyment of their rights under the International Convention on the Elimination of All Forms of Racial Discrimination.

4. The Committee had received considerable information about obstacles and challenges confronting refugees of conflict. Reception conditions had not been always adequate, and in too many cases, legal safeguards and the principle of non-refoulement had been disregarded. The Committee called on States to ensure respect for the rights of refugees and asylum-seekers without discrimination, especially since many of the situations from which they were fleeing were the legacies of colonialism.

5. Owing to the deferral of its 104th session, the Committee had held three sessions in 2021 and 2022 during which it had examined 11 reports submitted by States parties and had provided recommendations on the concerns raised. It had also elected a new Bureau and the officers of its working groups. As of the adoption of the annual report, 84 State party reports had been overdue.

6. The Committee had considered the follow-up reports of eight States parties. It had also considered cases under the individual communication procedure of article 14 of the International Convention, finding violations in three of them. In addition, the Committee had been active under article 11 of the International Convention, whereby a State party could lodge a complaint against another State party. Under its early warning and urgent action procedures, the Committee had addressed situations in eight States parties, adopting two statements and 13 letters. Lastly, the Committee had agreed on an eight-year predictable review schedule for State reviews in the context of the treaty body strengthening process.

7. **Ms. Hamilton** (United States of America), recalling that her country had presented its combined tenth to twelfth periodic reports to the Committee on the Elimination of Racial Discrimination in August 2022, said that her delegation welcomed the recommendations contained in the Committee's concluding observations (CERD/C/USA/CO/10-12). During its presentation, the United States delegation had responded to extensive questions about racial and ethnic discrimination, demonstrating her country's ongoing commitment to tackling racial equity and justice issues and upholding its treaty obligations. In recognition of the important contribution of civil society, her Government had hosted five in-depth conversations with civil society organizations in preparation for the presentation. The United States was committed to ongoing dialogue and

partnership with civil society to address the cross-cutting, intersectional issues highlighted in the report.

8. **Mr. Nyman** (Representative of the European Union, in its capacity as observer) said that it was essential to address stereotypes, stigmatization, identity labelling and essentialization. Urging the few States that had not yet done so to sign or ratify the International Convention on the Elimination of Racial Discrimination, he asked how the international community and States parties could promote its universalization. He would also appreciate information on best practices for involving civil society and human rights defenders in the drafting of State party reports.

9. **Ms. DaCosta** (Jamaica) said that, in its statement on the lack of equitable and non-discriminatory access to COVID-19 vaccines, the Committee on the Elimination of Racial Discrimination had attributed the pandemic's disproportionate impact on individuals or groups that were vulnerable to racial discrimination to the failure to redress the effects of slavery and colonialism. The delegation of Jamaica would be grateful for insights into the connection between slavery and colonialism and how those injustices might be redressed.

10. **Mr. Hout** (Cambodia) said that improving equality of economic opportunities was fundamental to addressing human right issues. When human rights deficiencies occurred, they should be corrected through constructive cooperation and capacity-building rather than naming and shaming, and the principles of non-selectivity, non-politicization and non-interference should be respected. It was important for every State party to work towards fulfilling its commitments and obligations under the International Convention on the Elimination of Racial Discrimination.

11. Cambodia welcomed the people-centred approach to human rights of China and that country's constructive contribution to international human rights cooperation. The economic impact of its efforts had helped to fulfil the economic rights of millions of people around the world.

12. **Ms. Heifetz** (United Kingdom) said that her country was firmly committed to combating all forms of racism, whether at home or abroad. The United Kingdom had a robust legal framework for addressing racially motivated crime and had recently launched a comprehensive strategy to tackle persistent racial and ethnic disparities. She would appreciate examples of practices that had proven effective against racism.

13. **Mr. Boucault** (France) said that combating racism was a top priority for his country, both at home and

abroad. The French approach was based on respect for the innate dignity of every human being and the universality of human rights. France would be presenting its periodic report to the Committee on the Elimination of Racial Discrimination in two weeks, and it urged every State party to comply with its reporting obligation.

14. **Mr. Kuzmenkov** (Russian Federation) said that it was his delegation's understanding that the criteria for initiating urgent action procedures included the presence of serious, widespread or systematic manifestations of racial discrimination, the inadequate application of enforcement mechanisms, the systematic escalation of racial hatred and violence, appeals to racial intolerance by individuals, groups or organizations, including elected or other officials, and significant manifestations of racial discrimination, as evidenced in social and economic indicators. In that regard, his delegation wished to draw the attention of the Committee on the Elimination of Racial Discrimination to the situation in Latvia, where the Russian-speaking population continued to be subjected to pressure and discriminatory policies. In September 2022, the Latvian parliament had adopted amendments to the Education Act to provide for all educational institutions of national minorities to transition to the Latvian language within three years. The laws developed by the Ministry of Justice of Latvia to restrict the use of the Russian language at workplaces and in public were clearly aimed at eliminating the Russian language from society. Despite the parliament's rejection of that initiative in October 2022, the Latvian authorities would undoubtedly continue to pursue their course. He asked why early warning and urgent action procedures had not been initiated in response to the discriminatory and repressive policy of the Latvian authorities towards the Russian-speaking population and national and ethnic minorities, and what conditions and factors had prevented that from happening.

15. **Mr. Galstyan** (Armenia) said that, in its concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan ([CERD/C/AZE/10-12](#)), the Committee on the Elimination of Racial Discrimination had expressed deep concern about incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin. Noting that combating racial hatred was more difficult than inciting it, he asked what follow-up mechanisms the Committee had or should have to engage with Governments between formal review processes in order to ensure that specific recommendations were implemented before it was too late. He would also appreciate an assessment of

the role of civil society in early warning mechanisms and monitoring.

16. **Ms. Banaken Elél** (Cameroon) said that there was no justification for racial discrimination in theory or in practice. Cameroon had adopted a number of legislative and institutional measures to combat racial discrimination, which had been recognized by the Committee on the Elimination of Racial Discrimination in its concluding observations on the combined twenty-second and twenty-third reports of Cameroon ([CERD/C/CMR/CO/22-23](#)). She asked how the Committee planned to promote its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials in the countries where such profiling occurred and if it had plans to collaborate with the Working Group of Experts on People of African Descent in its examination of the effects of racial discrimination on children. She also wished to know if the eight-year predictable review schedule could help to address the backlog of reports pending review.

17. **Ms. Ahangari** (Azerbaijan) said that, as a multi-ethnic, multicultural and multireligious country, Azerbaijan was deeply committed to upholding its obligations under the International Convention on the Elimination of Racial Discrimination. It had strengthened its laws against the incitement of racial hatred, had initiated criminal investigations into possible violations and had prosecuted the perpetrators. By facilitating the return of hundreds of thousands of internally displaced persons, Azerbaijan was striving to rebuild the multi-ethnic and diverse communities which had populated the region prior to the occupation. Azerbaijan appreciated the constructive dialogue with the Committee on the Elimination of Racial Discrimination during the presentation of its combined tenth to twelfth periodic reports and had duly noted the Committee's views and recommendations in its concluding observations ([CERD/C/AZE/CO/10-12](#)).

18. In relation to the comments of the representative of Armenia, she recalled that, in its concluding observations on that country's periodic reports, the Committee had expressed concern at reports of racist hate speech and discriminatory statements in the public discourse. The Armenian delegation should pay as close attention to the Committee's recommendations for its own country as it did to those for Azerbaijan.

19. **Ms. Seneduangdeth** (Lao People's Democratic Republic) said that human rights issues should be addressed through constructive dialogue based on the principles of universality, objectivity, non-selectivity and non-politicization, taking into account the cultural

characteristics, socioeconomic circumstances and particularities of each country. The Lao People's Democratic Republic appreciated the cooperation and openness shown by China in welcoming the visit of the United Nations High Commissioner for Human Rights. It commended that country for its achievements in promoting and protecting economic and social rights, protecting the rights of women and children, strengthening the rule of law and promoting respect for human rights, and as well as for its people-centred approach and constructive contribution to international human rights cooperation.

20. Her delegation opposed all unilateral coercive measures and politicized approaches to resolving human rights issues. Any assessment of a human rights situation should be conducted within the framework of the Human Rights Council or with the consent of the country concerned. Issues related to Xinjiang, Hong Kong and Tibet were the internal affair of China.

21. **Ms. Yu Kaili** (China) said that racism and racial discrimination undermined human rights and international security. China complied strictly with its obligations under the International Convention on the Elimination of Racial Discrimination, participated actively in international cooperation and promoted dialogue and exchange on civilizations and religions. It opposed double standards in dealing with racial discrimination and encouraged States parties to take a more sincere and proactive approach based on the purposes and principles of the Charter of the United Nations, including respect for national sovereignty and territorial integrity. Her delegation hoped that the Committee on the Elimination of Racial Discrimination would carry out its duties impartially and objectively, treat unverified and unsolicited information with caution and avoid politicization.

22. **Ms. Shepherd** (Chair of the Committee on the Elimination of Racial Discrimination) said that universalization of the International Convention on the Elimination of Racial Discrimination could be promoted through peer pressure among States and by presenting concrete evidence of progress in the States parties, thereby demonstrating its relevance. Civil society and independent national human rights institutions were extremely important because they provided a different perspective from the one presented by the State. The International Convention required States parties to involve civil society in drafting their periodic reports, and the Committee routinely asked presenting States whether or not they had done so. It had a simplified reporting procedure for States that found reporting difficult.

23. Regarding the Committee's statement on the lack of equitable and non-discriminatory access to COVID-19 vaccines, she pointed out that many of the structural inequalities highlighted by the COVID-19 pandemic had their roots in colonialism. That was why the Committee called on the States responsible for the effects of colonialism to do the right thing by those societies.

24. With respect to the comments of the Cambodian delegation, she noted that Cambodia needed to take further action to combat racism. Some groups in Cambodian society still suffered from racial discrimination and the legacies of Cambodian colonialism.

25. In response to the questions from the Russian Federation, she said that the Committee's Working Group on Early Warning and Urgent Action Procedures received complaints from individuals or groups who felt that they had been harmed. If a complaint was admissible, the Working Group would investigate. If it found the complaint to be well-founded, it would ask the State to provide a solution. To date, the Committee had considered around 10 cases under the early warning and urgent action procedures.

26. As with all States parties, the Committee had asked Azerbaijan to report back within one year on the steps taken to implement urgent recommendations. When it did so, the Rapporteur for follow-up would analyse the report to determine if satisfactory action had been taken. Interactive dialogues took place at four-year intervals, which would be widened to eight years if the eight-year review schedule was adopted, which appeared likely.

27. The Durban Declaration and Programme of Action represented a milestone because it articulated the historical and enduring harms of colonialism and slavery; the Committee included a standard paragraph on it in all of its concluding observations. She referred the delegation of Cameroon to the Committee's annual report for details on the Committee's efforts to promote its general recommendation No. 36 (2020). She herself had participated in the Working Group's discussions on the effects of racism on children of African descent.

28. In closing, she thanked the delegations that had recalled the Committee's obligation of impartiality, to which it remained faithful. The Committee conducted its own investigations, rather than relying solely on information submitted by the States.

29. *Mr. Blanco Conde (Dominican Republic) took the Chair.*

30. **Ms. Achiume** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that, during her time as Special Rapporteur, she had endeavoured to highlight that the problem of racial injustice and inequality was at the core of all other fundamental rights, the enjoyment of which continued to depend on race, ethnicity and national origin. Such a state of affairs could not be divorced from the persisting legacies of colonialism and the transatlantic trade in enslaved persons, despite the insistence by States that had profited from such regimes that the past remained firmly in the past. In her final two reports as Special Rapporteur, she had attempted to recommend a human rights approach that engaged with racial injustice and inequality at a systematic and historically informed level by amplifying the expertise and analysis of those who experienced that injustice and inequality.

31. Introducing her first report ([A/77/549](#)), she said that the report provided an analysis of the racially discriminatory and unjust roots and consequences of environmental degradation, including climate change; an explanation of why meaningful mitigation of the global ecological crisis required specific action to address systemic racism, including the historic and contemporary racial legacies of colonialism and slavery; and a number of recommendations.

32. Introducing her second report ([A/77/512](#)), she said that the report reflected trends in the glorification of Nazism and neo-Nazism that she had observed during her tenure as Special Rapporteur. One particularly worrying trend was the instrumentalization of the standards and tools designed to address neo-Nazism and antisemitism. In that connection, she highlighted the controversial status, divisive effects and negative human rights impacts of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. The scourge of antisemitism remained an urgent issue of human rights concern. She therefore urged Member States to launch an open and inclusive process to identify an enhanced response to antisemitism.

33. **Mr. Nenov** (Bulgaria) said that his delegation noted with concern the recommendation in the second report of the Special Rapporteur to suspend the adoption and promotion of the IHRA working definition of antisemitism. His Government had adopted that definition and regarded it as a useful guidance tool in education and training, including for law enforcement authorities in their efforts to identify and investigate antisemitic attacks more efficiently.



34. **Mr. Weinstein** (United States of America) said that comprehensively addressing the multidimensional legacies of systemic racism and racial discrimination was a top priority for his Government, as demonstrated by its efforts to advance racial equity, promote health equity and ensure equitable implementation of infrastructure investments. In addition, his Government had appointed the first Special Representative for Racial Equality and Justice, a role aimed at leading efforts to advance the human rights of persons belonging to marginalized racial and ethnic communities.

35. The United States strongly supported maintaining the IHRA working definition of antisemitism, encouraged other countries to embrace it and was disappointed by its politicization in the second report of the Special Rapporteur. The United States unequivocally condemned antisemitism.

36. Lastly, his delegation noted that efforts must still be made to comprehensively tackle the disproportionate impact of global crises, such as the COVID-19 pandemic and economic instability, on racial and ethnic minorities.

37. **Mr. Valido Martínez** (Cuba) said that the fact that violations of human rights on the basis of colour and ethnic origin had continued for more than two decades, following the adoption of the Durban Declaration and Programme of Action, was unacceptable. For Cuba, a nation proud of its ethnic diversity, the eradication of racism, racial discrimination and xenophobia was an imperative. His Government was fully committed to combating racism and fulfilling its obligations under the Durban Declaration and Programme of Action. Structural racism did not exist in Cuba but work was ongoing to eliminate the vestiges of racism and racial prejudice still present in some individual behaviours.

38. The notorious rise in the number of victims of police violence in the United States, which disproportionately affected persons of African descent, should be a source of concern for the international community. Cases such as those of George Floyd and Breonna Taylor must not be forgotten.

39. **Mr. Kurniawan** (Indonesia) said that the reference in the first report of the Special Rapporteur to his country as an example of a contemporary manifestation of racism against Indigenous Peoples and caste-based discrimination was misplaced and undermined the credibility of the report as a whole. As a proponent of anti-racism, his Government deeply regretted the insinuation. The principles of anti-racism and anti-discrimination were enshrined in the legal system and Constitution of Indonesia and there was no legacy of racism in his Government's policies, including

on urban planning. Since its independence, the Government and people of Indonesia had been working tremendously hard to achieve prosperity free from discrimination. Furthermore, while several regions in Indonesia were prone to flooding, the residents of those regions could in no way be categorized as under the threat of forced displacement; following a flood event, affected residents would return to their homes almost immediately, often within a day. His Government had also addressed the issue of overextraction of ground water by using alternative sources.

40. **Ms. Pongor** (Hungary) said that her Government remained committed to tackling racism, racial and religious discrimination, xenophobia and related intolerance and condemned all forms of antisemitism in the strongest terms. As part of a comprehensive national legal framework aimed at providing protection for the Jewish community, her Government had endorsed the IHRA working definition of antisemitism. Her Government strongly disagreed with and firmly opposed the recommendation to suspend the adoption and promotion of that working definition, which was a unique guidance tool in education, research and training, including for legal practitioners and law enforcement bodies seeking to identify and investigate antisemitic attacks more efficiently and effectively. Calling on Member States to suspend the use of the working definition ran contrary to that goal.

41. **Mr. Al-Suwaidi** (Qatar) said that Islamophobia was a serious form of racism and xenophobia that was growing worldwide and should be accorded more importance. In that connection, he recalled that, by virtue of the adoption of General Assembly resolution [76/254](#) in March 2022, the Assembly had proclaimed 15 March the International Day to Combat Islamophobia. His delegation called for the intensification of global efforts to combat Islamophobia and the launch of an international dialogue to promote a culture of tolerance based on respect for human rights and diversity of religions.

42. **Mr. Riva Grela** (Uruguay) said that his Government had adopted the IHRA working definition of antisemitism as part of its commitment to protecting and promoting all human rights, including through combating contemporary forms of racism, racial discrimination, xenophobia and related intolerance. His Government condemned in the strongest terms all expressions of abuse and acts of violence against members of the Jewish community, including Holocaust denial.

43. **Mr. Lamce** (Albania) said that his Government remained committed to fighting all forms of racism,

racial discrimination, xenophobia and related intolerance. His delegation joined others in expressing disagreement with the proposed suspension of the IHRA working definition of antisemitism. The Parliament of Albania had unanimously approved the working definition in 2020, thereby joining the global force against antisemitism. The working definition was a necessary tool that enabled the United Nations system and Member States to combat antisemitism, including Holocaust denial.

44. **Ms. Stanciu** (Romania) said that the IHRA working definition of antisemitism had guided countless Governments, organizations and individuals in their efforts to identify and combat antisemitism. She recalled that the Secretary-General had recognized in 2018 the efforts of IHRA to agree on a common definition of antisemitism that could serve as a basis for law enforcement and preventive policies and that the former Special Rapporteur on freedom of religion or belief had conducted an in-depth analysis of the many uses of the working definition.

45. **Mr. Arbeiter** (Canada) said that his delegation thanked the Special Rapporteur for her work, in particular for unequivocally identifying the use by the Russian Federation of neo-Nazism as justification for its territorial aggression and its callous and unnecessary war. As the son and grandson of victims of the Holocaust, he welcomed the Special Rapporteur's broader efforts to better understand the glorification of Nazism.

46. While welcoming the identification in the second report of the Special Rapporteur of an upsurge in antisemitic incidents, his delegation found that recommendations on how Member States and the United Nations system as a whole should respond to that trend were wanting. Unfortunately, much effort had instead been dedicated to the IHRA working definition of antisemitism. Having proudly adopted that definition, his Government categorically rejected the Special Rapporteur's recommendation to suspend its adoption and promotion. His delegation acknowledged that the contemporary examples of antisemitism attached to the definition were too often used as justification for hatred and it was those examples, highlighted as divisive in the report, that had led to the upsurge in violence. However, the definition itself had been carefully crafted and was not intended to inhibit the ability to criticize the State of Israel. His Government welcomed the definition as a means of establishing a common understanding in combating antisemitism and anti-Roma discrimination.

47. **Mr. Erdan** (Israel) said that the United Nations could not welcome or even take note of a report that

fundamentally contradicted the mandate held by its author. In the light of the upsurge of attacks against Jews, efforts should be made to further, not suspend, the promotion and adoption of the IHRA working definition. The latter had become the most widely accepted and adopted definition of antisemitism worldwide and had been supported by the former Special Rapporteur on freedom of religion or belief and by the current High Representative for the United Nations Alliance of Civilizations. The Special Rapporteur's ill-founded recommendations were not in line with her mandate and clearly demonstrated a political agenda that should not be part of discussions intended to be focused on combating racism. Rejecting the IHRA working definition or proposing the use of alternative definitions were stances adopted by defenders of attitudes negatively targeting Jewish communities, generating antisemitic tropes or spreading fabrications about Israel.

48. **Mr. Nyman** (Representative of the European Union, in its capacity as observer) said that, with respect to the second report of the Special Rapporteur, the European Union and its member States agreed with the Special Rapporteur's assessment that Russia was blatantly instrumentalizing serious human rights concerns by using neo-Nazism as a pretext to justify territorial aggression. Such actions seriously undermined genuine attempts to combat neo-Nazism and fuelled Holocaust distortion.

49. However, the European Union and its member States did not agree with the Special Rapporteur's recommendation to suspend the adoption and promotion of the IHRA working definition of antisemitism. The definition was a useful guidance tool in education and training, including for law enforcement authorities in their efforts to identify and investigate antisemitic attacks more efficiently and effectively, and was deemed as such in conclusions adopted by the Council of the European Union on racism and antisemitism.

50. Lastly, the European Union and its member States supported the Special Rapporteur's approach outlined in her first report, in which she had identified the need to examine the challenges currently limiting the ability of the United Nations framework to remedy climate and environmental harm.

51. **Ms. Eberl** (Austria) said that her Government condemned in the strongest possible terms the illegal, unprovoked and brutal war of aggression that Russia was waging against Ukraine. Her Government echoed the Special Rapporteur's alarm that the Russian Federation had sought to justify its military invasion and

territorial aggression in Ukraine on the purported basis of eliminating neo-Nazism.

52. Austria rejected and condemned all forms of racism, intolerance and discrimination, including antisemitism in all its forms. Her Government, in ongoing respect for its special historic responsibility, had recently dedicated considerable additional resources to strengthening security for Jewish institutions and communities in Austria. Her Government was strongly attached to the non-legally binding IHRA working definition of antisemitism. Its adoption in 2016 marked the first time that a universally applicable definition of antisemitism had been agreed upon in an intergovernmental forum as a tool to identify and combat antisemitism more effectively. The working definition included not only the definition of antisemitism but also a number of explanatory examples, including some distinguishing between antisemitism and different forms of criticism of Israel.

53. **Ms. Heifetz** (United Kingdom) said that her delegation shared the alarm expressed by the Special Rapporteur in her second report that Russia had sought to justify its military invasion of Ukraine by claiming that Ukraine was controlled by neo-Nazis. Her Government completely rejected what was a pretext for Russia's illegal invasion.

54. While agreeing with the Special Rapporteur's call for States to combat antisemitism, her delegation rejected her recommendation to suspend the adoption of the IHRA working definition of antisemitism. The definition was helpful in identifying twenty-first-century manifestations of antisemitism. Her Government looked forward to contributing to the fight against antisemitism through chairing the IHRA in 2024.

55. **Ms. Schmiedova** (Czechia) said that while her delegation fully supported the Special Rapporteur in denouncing the use of neo-Nazism by Russia as a pretext for its unjustified aggression against Ukraine, it regretted that her second report did not contain more detail on the danger of the Russian narrative on neo-Nazism in view of its global consequences. In contrast to the Special Rapporteur, Czechia considered the IHRA working definition of antisemitism to be useful for identifying antisemitic attacks and that its use should be encouraged, not limited.

56. **Mr. Greco** (Italy) said that equality and non-discrimination were fundamental main pillars of the Constitution of Italy and that respect for human rights in Italy was upheld by a robust legal framework of guarantees. His Government condemned all forms of racism and intolerance and fully rejected the generic

allegations made by the Governments of Belarus and the Russian Federation mentioned in the second report of the Special Rapporteur.

57. His delegation was extremely worried that the scourge of antisemitism remained a significant issue of human rights concern. His Government had taken a number of steps to combat antisemitism at the national level, including adopting guidelines for preventing antisemitism in schools following the publication in Italian of IHRA guidelines on Holocaust distortion. His Government did not share the view that the adoption and promotion of the IHRA working definition of antisemitism should be suspended. The definition served as a useful guidance tool for education and training activities and was valuable in fostering a common understanding of antisemitism.

58. **Mr. Kezas** (Greece) said that his Government supported the IHRA working definition on antisemitism and was fully committed to combating all forms of racism, racial discrimination, xenophobia and related forms of intolerance. As part of its efforts to that end, Greece had been complying with the recommendations of the Committee on the Elimination of Racial Discrimination and had adopted its first national action plan against racism, which, combined with other national action plans, such as those on the rights of the child and gender equality, further strengthened its national human rights protection framework.

59. **Mr. Kuzmenkov** (Russian Federation) said that his delegation hoped that the conclusions and recommendations in the two reports of the incumbent Special Rapporteur would be used, both by Governments and within the United Nations human rights mechanisms, in the development of measures aimed at eliminating contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He asked the Special Rapporteur to share her assessment of whether the remarks made recently by the High Representative of the European Union for Foreign Affairs and Security Policy, asserting that Europe was a garden and the rest of the world was a jungle, contained elements of racism. His delegation stood ready to cooperate with the future Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in the fulfilment of her mandate and called for measures to be adopted to put an end to the explosion of Russophobia in the West.

60. **Mr. Bellmont Roldan** (Spain) said that his Government condemned all forms of racism and intolerance and, as part of its commitment to the eradication of those phenomena, had undertaken a series



of measures nationally, including launching awareness-raising campaigns and establishing new tools for supporting victims of racial discrimination.

61. His delegation thanked the Special Rapporteur for noting in her second report the dangers of the use of noble causes, such as combating neo-Nazism, to justify military invasions. Such use could undermine international efforts to combat racism and neo-Nazism.

62. Lastly, his Government had adopted the IHRA working definition of antisemitism and used that definition in its campaigns for raising awareness about the dangers of antisemitism. His delegation considered that definition to be perfectly compatible with the defence of international law and the implementation of United Nations resolutions.

63. **Mr. Rashid** (Pakistan) said that the increase in hate crime and incitement to violence targeting ethnic, racial and religious minorities worldwide was concerning. The speed and extent of the spread of Islamophobia was particularly alarming. Manifestations of Islamophobia in the form of hostility, recrimination and violence against Muslim individuals and communities constituted grave violations of human rights and freedom of religion or belief. He asked the Special Rapporteur to outline tangible and effective actions that could be taken by Member States, in the context of appropriate political, legal and educational frameworks, to combat the global trends of racial superiority and intolerance against particular groups enumerated in the Durban Declaration and Programme of Action, including Islamophobia, antisemitism, the glorification of Nazism and other racist political platforms.

64. **Ms. Ludwig** (Germany) said that all Member States, including her own, must work harder to overcome all forms and manifestations of discrimination, including racial discrimination, xenophobia, racist violence and hate speech. Against the backdrop of myriad global crises, the scourge of racial discrimination was growing.

65. Regarding the IHRA working definition of antisemitism, her Government did not share the view of the Special Rapporteur that its adoption and promotion should be suspended. The definition was a useful guideline for the effective identification and investigation of antisemitic attacks.

66. **Ms. Novruz** (Azerbaijan), speaking on behalf of the Movement of Non-Aligned Countries, said that the States members of the Movement expressed their appreciation for the briefing by the Special Rapporteur and pledged their support to the fulfilment of her

mandate. They reaffirmed their condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance, which constituted serious violations of human rights and fundamental freedoms and impeded the enjoyment of equal opportunity. The international community must continue to recognize that slavery and the slave trade, including the transatlantic slave trade, were crimes against humanity and that the legacies of slavery, the slave trade, colonialism, foreign occupation, alien domination, genocide and other forms of servitude had manifested themselves in poverty, underdevelopment, marginalization, social exclusion and economic disparities for developing countries.

67. **Ms. del Aquila Castillo** (Guatemala) said that her delegation vigorously rejected the call in the second report of the Special Rapporteur for Member States to suspend the adoption and promotion of the IHRA working definition of antisemitism and the examples attached to it. Such a call went beyond the mandate of the Special Rapporteur.

68. **Ms. Demosthenous** (Cyprus) said that her Government reaffirmed its commitment to promoting and fostering respect and diversity and to combating all forms of discrimination, racism and xenophobia, including antisemitism. In that connection, her Government believed that the IHRA working definition of antisemitism, which the Council of Ministers of Cyprus had adopted in 2019, was a useful guidance tool in education and training. In addition, the working definition was the product of broad consensus among stakeholders, including politicians, academics and civil society. Her Government therefore did not share the view that the adoption and promotion of the IHRA working definition of antisemitism should be suspended.

69. **Ms. Kim** (Australia) said that her Government unequivocally condemned all forms of racism, racial discrimination, xenophobia or related intolerance, including Nazism and neo-Nazism. In that connection, her Government was deeply concerned by the fact that the Russian Federation has sought to justify its unilateral, illegal and immoral aggression against the people of Ukraine on the purported basis of eliminating neo-Nazism. Such action constituted a blatant instrumentalization of the serious human rights concerns raised by neo-Nazi mobilizations where they genuinely existed and an affront to international law.

70. While her delegation shared the Special Rapporteur's concerns regarding the upsurge in religious intolerance, it did not agree with her recommendation for States to suspend the adoption and promotion of the IHRA working definition of

antisemitism. Antisemitism was a violation of the universal right to freedom of religion or belief and a manifestation of racism, xenophobia, religious intolerance and discrimination that must be countered by the international community as a whole.

71. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that the contemporary forms of racism and racial discrimination prevalent in many parts of the world were rooted in unjustified acts from the past, such as colonialism, slavery and slave trade. The colonial policies pursued by some countries could not be justified under any circumstances. His Government continued to reject unfair attempts to politicize human rights within the United Nations, including attempts to misuse issues relating to Xinjiang and Hong Kong to interfere in the internal affairs of China. His Government supported China in its efforts to defend its sovereignty, security and territorial integrity in Xinjiang and in its implementation of the "one country, two systems" model in the Hong Kong Special Administrative Region.

72. **Ms. Yu Kaili** (China) said that the international community must resolutely combat the glorification of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In addition, more efforts should be dedicated through the United Nations human rights mechanism to protecting the rights of ethnic minorities facing increasingly difficult situations in some countries where relevant political and judicial systems and appropriate policies and initiatives were often lacking. Such countries should implement legal policies against all forms of racism, prohibit racial hate speech and propaganda and foster a culture of tolerance, equality and genuine respect for human rights for all.

73. **Ms. Achiume** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that the resolution defining her mandate contained an explicit reference to antisemitism, as well as other forms of discrimination. In her work as Special Rapporteur, she had endeavoured to develop an anti-racism discourse that addressed all forms of racism and intolerance.

74. Regarding the IHRA working definition of antisemitism, she clarified that her recommendation to suspend its promotion and adoption was based on the human rights impact of the definition and on concerns – not only her own but also those articulated by Jewish scholars of antisemitism – with the efficacy of the definition. Moreover, her recommendation included a call to an open, transparent and inclusive process for

developing an approach to combating antisemitism. In that connection, she was deeply disappointed that such a call had been described as politicization by the representative of the United States of America. She reiterated that her call had been to create a space for principled discussion on racism, racial discrimination, xenophobia and related intolerance that addressed the human rights concerns highlighted in her second report. She regretted that the responses to her call indicated that no such space would be created.

75. Returning to her first report, she said that Member States must take a number of urgent steps: adopt a global approach to climate justice that included racial justice; ensure that green transitions were racially just; prioritize reparations for historical environmental and climate harms and for contemporary harms rooted in historic injustice; halt racially discriminatory human rights violations relating to climate and environment and provide effective remedies to the individuals and groups affected; and systematically hold transnational corporations accountable for environmental racism and climate justice.

76. Lastly, she highlighted the four approaches that had shaped her thematic and country reports and that she hoped would remain priorities in the work of the General Assembly and the Human Rights Council: historically informed approach to addressing racism, xenophobia and related intolerance; a systemic approach to combating racism, xenophobia and related intolerance that interrogated the ways in which those phenomena were inherent in institutional and legal frameworks; an intersectional approach that acknowledged discrimination on the basis of gender identity and expression, sexual orientation, disability status and other related intersectional structures; and a bottom-up approach to understanding the problem of racial justice that sought guidance from those communities subject to racial and xenophobic subordination.

77. **Ms. Hassan** (Chair-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination), delivering the fourth annual progress report on the work of the Ad Hoc Committee, said that for far too many years, there had been too little political will for the Committee to be able to move forward with its mandate. However, at its tenth session in April 2019, the Committee had adopted a document entitled "Summary of issues and possible elements discussed pertaining to the implementation of General Assembly resolution 73/262 and Human Rights Council resolution 34/36 on the commencement of the negotiations on a draft

additional protocol to the Convention criminalizing acts of a racist and xenophobic nature”, which had enabled progress.

78. From 21 to 22 October 2020, an intersessional expert consultation had been held to consider a draft additional protocol prepared by the Ad Hoc Committee at its tenth session and to prepare a report on the consultation for submission to the Committee at its eleventh session. The report had contained a summary of the discussions as well as recommendations on four issues: dissemination of hate speech, racial cybercrime, contemporary forms of discrimination based on religion or belief and preventive measures to combat racist and xenophobic discrimination.

79. The Ad Hoc Committee had held the first part of its eleventh session from 6 to 13 December 2021 and had been resumed and closed on 18 July 2022. During the session, it had considered the report on the intersessional legal expert consultation, had interacted with the legal experts and had adopted conclusions and recommendations by consensus.

80. The Ad Hoc Committee had held its twelfth session from 19 to 29 July 2022. During the session, it had heard presentations by invited experts on the historical impact of colonialism on the law, on contemporary forms of discrimination based on religion or belief and on the principles and elements of criminalization, discussing those issues with the experts after each presentation. It had also considered the Chair-Rapporteur’s annotated text containing key definitions and terminology. The Committee had adopted general conclusions on the foregoing discussions by consensus. In the conclusions and recommendations of its twelfth session, the Committee had recommended that it engage a group of legal experts representing different regions and legal systems, which would be tasked with providing the Chair-Rapporteur with precise guidance and inputs for the preparation of a Chair’s document.

81. On 3 October 2022, the Chair-Rapporteur had presented the reports on the Ad Hoc Committee’s eleventh and twelfth sessions ([A/HRC/51/56](#) and [A/HRC/51/57](#)) to the Human Rights Council, which had approved the conclusions and recommendations contained therein in its resolution [51/32](#).

82. **Ms. Mngomezulu** (South Africa) said that the States that had not been able to participate in the drafting of the International Convention on the Elimination of All Forms of Racial Discrimination as free and equal States believed that it contained gaps, such as its failure to consider systemic, structural and institutional racism. The Durban Declaration and Programme of Action had addressed those gaps, and it

was the task of the Ad Hoc Committee to elaborate complementary standards in the light of that consensus document. South Africa encouraged all States to work with the Ad Hoc Committee with an open mind in order to fulfil the commitments made in Durban.

83. **Mr. Nyman** (Representative of the European Union, in its capacity as observer) said that the European Union had mainstreamed the principle of non-discrimination and the combating of racism, xenophobia and other forms of intolerance across all of its policies. There was no need for an additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination, which provided a sound basis for tackling contemporary forms of racism and racial discrimination. The only gaps were in its implementation.

84. **Mr. Kuzmenkov** (Russian Federation) said that, in February 2022, a number of Western countries had unleashed an unprecedented campaign of discrimination against Russian and Russian-speaking people on the basis of their ethnic and linguistic background. They were denied education, health-care and banking services, forcibly evicted from their homes and banned from participating in sports and cultural events, in addition to facing insults, threats, attacks and deliberate damage to their property. Of particular concern was the discrimination experienced by children with Russian citizenship or Russian roots in the form of humiliation and insults by classmates with the complicity of teachers.

85. In the legal definition of the term “racial discrimination” enshrined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, the national origin of potential victims was included among the grounds of discrimination. The Ad Hoc Committee should pay due attention to that aspect in its work. The widespread intolerance, negative stereotypes and violence towards people on the basis of religion in many countries were cause for concern. Violations of the freedom of religion should be included among the defining elements of racial discrimination.

86. **Ms. Hassan** (Chair-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination) said that racism in its many manifestations remained an urgent matter everywhere. Racism and racial discrimination, xenophobia and related intolerance affected the lives of countless people, threatening peace and development around the world. Recurrent tragic events were continual reminders of the crucial

importance of the Ad Hoc Committee's complex work, which was only beginning. It was high time to fulfil a mandate which had been established more than 15 years earlier. She hoped to see continued political will and constructive engagement. The ability of the Human Rights Council and the General Assembly to summon the will to combat racism, racial discrimination, xenophobia and related intolerance was a test of their credibility. She thanked all delegations for their commitment, cooperation and support and looked forward to reporting to the Third Committee on the progress achieved at the next session of the General Assembly.

87. **Ms. Zalabata Torres** (Colombia) said that, to achieve peace, it was essential to end racism, racial discrimination, xenophobia and related forms of intolerance. Much could be learned from the many peoples who had long resisted violence and avoided war through dialogue. In order to build common ground in a multi-ethnic, multicultural country, her Government was developing and implementing policies to make often forgotten groups and peoples visible, raise awareness of their traditions, ways of life and cultures and integrate their world views into its policies. In addition, it was setting up a national reparations commission and taking steps to combat impunity. It had established a racism and racial discrimination observatory, and it would work to implement the ethnic chapter of the peace agreements. Colombia had also adopted strategies to protect Venezuelan migrants and refugees from discriminatory actions.

88. **Mr. Sharma** (India) said that, as a former colony, his country was aware of the detrimental impact of racism and racial discrimination and had made the fight against racism, racial discrimination and colonialism the cornerstone of its foreign policy since independence. The Indian Constitution contained safeguards against racism and racial discrimination, which were strengthened by a comprehensive legal framework, an independent and impartial judiciary, a vibrant civil society and a free media. His Government was committed to combating and eliminating discrimination in all its manifestations.

89. The Internet had become a vehicle for racial hatred and discriminatory ideas, but it could be used as an educational platform for combating racism and racial discrimination. States must intensify their efforts to prevent and combat racial hatred and discrimination in partnership with the private sector and civil society, all the while balancing the need to protect freedom of expression. They should also step up their efforts to bring about the decolonization of the remaining 17 Non-Self-Governing Territories.

90. **Ms. Banaken Elel** (Cameroon) said that the Durban Declaration and Programme of Action acknowledged that slavery and the slave trade were a crime against humanity, that colonialism had led to racism, that the effects of colonialism had contributed to lasting social and economic inequalities and that poverty, underdevelopment, marginalization, social exclusion and economic disparities were closely associated with racism. Discouragingly, very few States had translated those acknowledgements into appropriate policies and programmes. It was equally discouraging to witness continued controversy over the right to development and the persistence of an economic and financial system that kept Africa in poverty. Member States must acknowledge history, provide justice in the form of reparations and educate their populations.

91. **Mr. Khan** (Pakistan) said that the right to self-determination was a cardinal principle of the Charter of the United Nations and the fountainhead of all other rights. However, legitimate struggles for self-determination continued to be suppressed, in grave violation of Security Council and General Assembly resolutions. The right to self-determination did not lapse with the passage of time. It must be exercised freely, without the threat or use of coercion or repression, and its exercise must not be conflated with terrorism.

92. Since the occupation of Jammu and Kashmir by India in 1947, that country's brutal suppression of the right to self-determination had taken the lives of over 100,000 Kashmiris. With its illegal annexation of the territory in 2019, the tragedy had come full circle. There was irrefutable evidence of widespread torture, inhumane or degrading treatment and arbitrary arrests, as well as of Kashmiris having been disappeared and hospitals running fatally short of supplies. A people's yearning for freedom could never be crushed by brute force. The Jammu and Kashmir dispute would remain on the agenda of the United Nations until the Kashmiri people were allowed to exercise their right to self-determination in a plebiscite under the auspices of the United Nations, as prescribed by 11 Security Council resolutions.

93. **Ms. Mostafa** (Egypt), recalling the universality and indivisibility of all human rights, said that her country upheld the right to development free from discrimination, in accordance with the principles of non-selectivity, impartiality and objectivity. The current compounding crises created a breeding ground for racial and religious discrimination, xenophobia, Islamophobia and other forms of intolerance, the resurgence of which compelled a united response. States had a duty to establish and implement the standards necessary to effectively combat the use of digital technology to

promote hatred and intolerance, and political platforms should refrain from hate speech and incitement to hatred and violence based on religion or belief. Egypt reiterated its support for the establishment of the Permanent Forum on People of African Descent, reaffirmed its commitment to full implementation of the Durban Declaration and Programme of Action as the basis for national and international efforts to eliminate racism and called for further progress in the elaboration of contemporary standards.

94. **Ms. Bafrani** (Islamic Republic of Iran) said that settler violence against Palestinians was intensifying, and the Israeli regime continued to use disproportionate, even deadly force against Palestinians without fear of accountability. Her Government strongly condemned any act that supported the occupation of Palestine and urged the international community to take serious action to secure the right of the Palestinian people to self-determination.

95. The United States and other Western countries condemned racism abroad while ignoring their own systemic racism and widespread violation of the human rights of peaceful protesters defending the rights of people of African descent. The United States, Canada, the United Kingdom and the countries of the European Union should adopt effective legal, policy and institutional measures to counter racial discrimination, xenophobia and intolerance, systemic racism, genocide, Islamophobia and hate speech.

96. The Islamic Republic of Iran was deeply concerned about the rise of Islamophobia, a distinct form of racism that manifested itself in travel bans, hate speech and attacks on Muslims. Inhumane discrimination and acts of hostility and violence against Muslims were grave violations of their human rights, including their right to freedom of religion.

97. The illegal and inhumane coercive measures imposed unilaterally by the United States discriminated against innocent people on the basis of their nationality, national origin or place of residence. Eliminating those measures could pave the way for a world free of racial discrimination and racism. Such discriminatory measures demanded effective action by the human rights mechanisms on racism and racial discrimination.

98. **Mr. Rizal** (Malaysia) said that multifaceted measures must be put in place to counter the recent surge in racism, racial discrimination, xenophobia and Islamophobia, which could lead to grave human rights violations and even crimes against humanity, given the possibility of terrorist acts. Individuals, communities and nations must work together to find new ways to share knowledge and improve communication and

understanding in order to preserve and foster world peace. As a multiracial, multireligious society, Malaysia believed that moderation promoted acceptance and understanding among diverse cultures.

99. The Palestinian people were still struggling to exercise the right to self-determination in the absence of Security Council action to end foreign occupation of their land. Emboldened by the knowledge that some Security Council members would defend it unconditionally, the occupying Power had conveniently forgotten its obligation as a Member State to respect the decisions of the Security Council and the General Assembly. Israel had been given carte blanche to perpetuate its apartheid regime, undermine the two-State solution and make a mockery of the Charter of the United Nations and the international human rights instruments to which it was a party. Granting Palestine full membership in the United Nations would advance the long-standing objective of enabling the Palestinian people to exercise their right to self-determination. In the view of his Government, Palestine met the necessary requirements.

100. **Ms. Vandermunt** (Luxembourg), noting with concern the resurgence of racism, antisemitism and xenophobia, said that urgent international attention was needed to combat disinformation campaigns and hate speech, which particularly affected migrants. States must act multilaterally, through the United Nations, as well as regionally, nationally and locally, in collaboration with civil society and the various human rights mechanisms. Luxembourg cooperated actively with the Committee on the Elimination of Racial Discrimination and with the European Commission against Racism and Intolerance. It had also completed a comprehensive sociological study laying the groundwork for the development of a coherent and inclusive interministerial strategy to combat racism.

101. Her delegation welcomed the recommendation in the report of the Secretary-General on implementation of the International Decade for People of African Descent ([A/77/333](#)) that States apply a rights-based approach to data, based on respecting the self-identification of rights-holders as people of African descent. Her delegation also underlined the need for non-contentious avenues to resolve situations of racial discrimination, such as mediation. Bearing in mind the necessity of collaboration among actors on the ground as well as public education, the Government of Luxembourg had developed a comprehensive and sustainable national inclusion policy and had appointed an interministerial coordinator of policies on racism, antisemitism and the hatred of lesbian, gay, bisexual, transgender and intersex persons.

102. **Mr. Altarsha** (Syrian Arab Republic) said that the Charter of the United Nations was based on equality of rights among all countries and peoples and the value of peaceful coexistence. The Charter also stressed the need for friendly relations among nations through respect for sovereignty and self-determination. For many years, the peoples of the occupied Syrian Golan and other occupied Arab territories had experienced war crimes, crimes against humanity and grave violations of human rights at the hands of Israeli occupation forces. Those were a blatant manifestation of racism and hatred and had lasted only with the political, financial and military cover provided by a group of States with a view to allowing Israel to evade punishment and accountability. Security Council resolution 497 (1981) stated that any measures taken by Israel, the occupying Power, in the occupied Syrian Golan Heights were null and void and without legal effect. His country demanded the end of the occupation of the Golan and other Arab territories and an end to Israeli provocations, which had led to increased tensions in the region. It also demanded redoubled efforts, under the aegis of the United Nations, to address racism, hate speech, extremism and the support of Governments for terrorists.

103. The Syrian Arab Republic maintained its firm position in support of national sovereignty and territorial integrity and rejected interference in the internal matters of States. Xinjiang, Tibet and Hong Kong were internal Chinese matters and any attempt to politicize human rights issues or to use international forums for finger-pointing in a manner that contradicted the principles of objectivity and non-selectivity should be rejected. China had made commendable achievements in strengthening and protecting human rights through its people-centred approach. Its constructive participation in the area of international human rights law was also welcome.

104. The Syrian Arab Republic remained firm in its support of the right of the Palestinian people to self-determination and to establish an independent State on all its territory, with Jerusalem as its capital, and supported the right of return of refugees in accordance with General Assembly resolution 194 (III). The Syrian Arab Republic reiterated its demand to grant Palestine full membership in the United Nations and to ensure that the Palestinian people exercised all their human rights, including the right to live in peace and security and the right to development in its various forms.

105. **Ms. Baptista Grade Zacarias** (Portugal) said that her country took its obligation to combat racial discrimination under international law and its own Constitution very seriously and had been the first country in the European Union to approve a national

plan to combat racism and discrimination. The plan would run from 2021 to 2025 and was integrated into a broader national strategy on equality and non-discrimination. As part of the plan, her Government was in the process of establishing an independent observatory on hate speech, racism and xenophobia to complement the work of the national commission for equality. It had also adopted a plan designed to prevent discriminatory practices in law enforcement. Portugal called on all States to sign or ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to implement the Durban Programme of Action. It would continue to speak out and fight against racism whenever it occurred.

106. **Mr. Gonzato** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia, the Republic of Moldova, Serbia and Ukraine; the stabilization and association process country and potential candidate Bosnia and Herzegovina; and, in addition, Georgia, said that the European Union condemned all forms of racism and intolerance and remained firmly committed to combating them. Racism and racial discrimination ran counter to basic European Union principles, which were shared by all of its member States. European Union action against racism rested on a solid legal framework grounded in the International Convention on the Elimination of All Forms of Racial Discrimination, which, as a living instrument, was capable of addressing both new and emerging challenges. The focus should remain on achieving universal adherence and full and effective implementation. European law also complied with articles 19 and 20 of the International Covenant on Civil and Political Rights, on freedom of expression and incitement to hatred.

107. The European Union racial equality directive of 2000 forbade all direct or indirect discrimination based on racial or ethnic origin and required member States to establish bodies for the promotion of equal treatment. The European Union encouraged all States to strengthen the role of independent national human rights institutions, as well as civil society. Public incitement of hatred or violence based on race, colour, religion, descent or national or ethnic origin had been a crime since 2008, and extensive efforts had been made to ensure effective enforcement through targeted support to member States and their law enforcement agencies. In recognition of the persistence of racism and discrimination in law enforcement, the agencies of the European Union provided significant assistance to member States in combating discrimination in that area, including regular training activities for law enforcement



authorities on diversity, non-discrimination and avoiding ethnic profiling.

108. Since 2019, the European Commission had appointed an anti-racism coordinator, had helped to organize two sessions of the European Union anti-racism summit, had adopted a human resources strategy aimed at ensuring a representative workforce and a working environment free of discrimination, had launched an improved Roma strategic framework and had presented its first comprehensive strategy on combating antisemitism. It had also adopted the first-ever European Union anti-racism action plan, which called for better enforcement of European Union law, the development of new proposals to strengthen legislation and closer internal and external coordination. All member States were encouraged to adopt national action plans against racism and racial discrimination by the end of 2022.

109. In relation to hate speech online, the European Union had reached an agreement with the major social media platforms on a voluntary code of conduct in 2016. In April 2022, a political agreement had been reached on a new Digital Services Act enshrining the principle that what was illegal offline should be illegal online.

110. At the United Nations, the European Union engaged constructively in the related work of the Human Rights Council and contributed to the interactive dialogues with the special rapporteurs. It was closely following the deliberations on the follow-up to the Durban Declaration and Programme of Action as well as the negotiations on the related Human Rights Council and General Assembly resolutions. A general reflection was needed on how to ensure universal participation in global efforts to eliminate racism. The debate on the Durban Declaration and Programme of Action should be inclusive.

111. **Mr. Lagatie** (Belgium) said that despite the efforts of States, civil society and the international community, millions of people continued to experience racism. The international community had already assembled the necessary tools to combat racism. What was lacking was full and effective implementation. He called on those States that had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination to do so and on those whose reports were overdue to submit them as soon as possible. Belgium had presented its periodic report in 2021.

112. In line with his country's commitment to develop a national anti-racism action plan, in 2022 his Government had adopted a new set of anti-racism measures to complement existing legislation. The measures provided, inter alia, for improved collection of

disaggregated quantitative and qualitative data and for training and public education.

*Statements made in exercise of the right of reply*

113. **Mr. Sharma** (India) said that, once again, driven by orchestrated hatred and a deep sense of insecurity, the delegation of Pakistan had abused the forum of the Third Committee to make false allegations against his country, conflating self-determination with a situation that involved neither colonization nor foreign domination. The frantic attempts of Pakistan to gain credibility for its greedy territorial claims were also aimed at diverting attention from serious human rights violations against minorities, women and girls in Pakistan. Jammu and Kashmir would always be an integral part of India. India called on Pakistan to stop cross-border terrorism so that the citizens of India could exercise their right to life and liberty. Given past precedent and the Pakistani obsession with India, Pakistan would almost certainly exercise its right of reply in order to continue its malicious and false propaganda against his country, but he would refrain from responding out of respect for the work of the Committee.

114. **Mr. Rashid** (Pakistan) said that Jammu and Kashmir had never been a part of India. That assertion was mere rhetoric, based on fabrications, lies and distortions. The more than seven-decade Indian occupation of Jammu and Kashmir was a flagrant violation of international law. Multiple Security Council resolutions, beginning with resolution [47 \(1948\)](#), clearly stated that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite – a decision which India had accepted and with which it was bound to comply under Article 25 of the Charter of the United Nations. Calling Jammu and Kashmir an integral part of India made a mockery of the Charter.

115. Only an occupier would oppose the implementation of Security Council resolutions which promised self-determination to the people of a disputed territory. The people of Jammu and Kashmir had yet to exercise their right of self-determination as dictated by Security Council resolutions, and the status of Jammu and Kashmir lingered on the unfinished agenda of decolonization. By revoking the occupied territory's special status on 5 August 2019, in what it termed the "final solution", the Indian Government had paved the way for making Jammu and Kashmir a Hindu majority territory, in blatant violation of international law.

116. Discussion of the right of peoples to self-determination was not an abuse of the Third Committee. The topic was on the agenda of the meeting, and the Committee was in fact the ideal forum in which to defend a people subjected to brutal occupation and unable to exercise their right to self-determination.

117. Indian talk about terrorism was only a smokescreen for Indian State terrorism against Pakistan, in occupied Jammu and Kashmir and against its own minorities. It should be noted that his delegation had refrained from mentioning the persecution of minorities in India in its statement on self-determination. He left it to the room to decide which State was obsessed about the other. To set the record straight, minorities in Pakistan enjoyed equal rights and were excelling in all fields. In contrast, minorities in India faced blatant discrimination and harassment, including discriminatory citizenship laws, attacks on mosques and churches and encroachments on religious freedoms. Member States should demand that India cease to engage in State terrorism and end its occupation of Jammu and Kashmir in accordance with its obligations under international law, including Security Council resolutions.

*The meeting rose at 6.05 p.m.*